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NO PART OF ANY STEVENS-NESS FORM MAY BE REPRO

NOTICE OF DEFAULT AND ELECTION TO SELL

Kenny Earl and Rosellen M. Earl
2128 Angle St.
Klamath Falls, OR 97601
Grantor's Name and Address*

Amerititle
300 Klamath Ave.
Klamath Falls, OR 97601
Trustee's Name and Address*

David Brian Giarretto
2409 Orchard Ave.
Klamath Falls, OR 97601
Beneficiary's Name and Address*

After recording, return to (Name and Address):

David Giarretto
2409 Orchard Ave.
Klamath Falls, OR 97601

*ORS 205 requires the first page of a recorded document to show the names and addresses of all parties. Use Stevens-Ness Form No. 1256, Cover Sheet for Instrument to be Recorded, if you need additional space.

2012-008153

Klamath County, Oregon



00121728201200081530020027

07/25/2012 01:24:01 PM

Fee: \$42.00

SPACE RESERVED
FOR
RECORDER'S USE

Reference is made to that certain trust deed made by David Brian Giarretto
Kenny Earl and Rosellen M. Earl, as grantor, to
Amerititle, as trustee,
in favor of David Brian Giarretto, as beneficiary,
dated 7/25/2012, recorded on 7/25/2012, in the Records of
Klamath County, Oregon, in ☒ book ☐ reel ☐ volume No. _____ at page _____,
and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. _____ (indicate which), covering the following
described real property situated in the above-mentioned county and state (legal description of property):

2128 Angle St. Klamath Falls, OR 97601

Buena Vista Addition, Block 46, Lot 1 & 2
Sly 65'

Affidavit of Exemption Ref# 2012-008152

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of a successor trustee have been made, except as recorded in the Records of the county or counties in which the above-described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by grantor or other person owing an obligation, performance of which is secured by the trust deed, or by the successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision. The default for which foreclosure is made is grantor's failure to pay when due the following sums:

\$3,062.52 in
Principal, Interest,
& Fees Due as of
7/25/12 + Attorney Fee,

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following:

\$23,843.32 as of 7/25/12

(CONTINUED)



Notice hereby is given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The sale will be held at the hour of 10 o'clock, A M., in accord with the standard of time established by ORS 187.110 on 11/30/12, at the following place: 37222 Modoc Point Rd.
Chiloquie, OR 97624 in the City of Chiloquie, County of Wheath, State of Oregon, which is the hour, date and place last set for the sale.

Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to grantor or of any lessee or other person in possession of or occupying the property, except:

Name and Last Known Address

Nature of Right, Lien or Interest

Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying the sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this instrument, where the context so requires, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, the undersigned has executed this instrument on 7/25/2012; any signature on behalf of a business or other entity is made with the authority of that entity.

David B. Giarretto

☐ TRUSTEE ☒ BENEFICIARY (INDICATE WHICH)

STATE OF OREGON, County of Clatsop

This instrument was acknowledged before me on July 25, 2012 ss.
 by DAVID BRIAN GIARRETTO

This instrument was acknowledged before me on _____
 by _____
 as _____
 of _____

Susan Costic

Notary Public for Oregon

My commission expires 2/15/14

