

2013-000984

Klamath County, Oregon



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01/28/2013 02:26:24 PM

Fee: \$47.00

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from Justin N. Matthews & Jennifer Lynn Hunsaker, not as tenants in common but with full right of survivorship.

To: Aspen Title & Escrow, Inc., an Oregon Corporation, as Trustee

For the benefit of Cheryl M. McAuliffe.

AFTER RECORDING RETURN TO:
Scott D. MacArthur, Successor Trustee
125 S. 6th Street
Klamath Falls, OR 97601

NOTICE OF DEFAULT AND ELECTION TO SELL

KNOW ALL MEN BY THESE PRESENTS, that JUSTIN N. MATTHEWS and JENNIFER LYNN HUNSAKER, not as tenants in common but with full right of survivorship, is the grantor, and ASPEN TITLE & ESCROW, Inc., an Oregon Corporation is the trustee, and CHERYL M. McAULIFFE, is the beneficiary under that certain trust deed dated May 2, 2005, and recorded on May 2, 2005, in book/reel/volume No. M05 at page 031470 of the Mortgage (Microfilm) Records of Klamath County, Oregon.

A portion of Lot 48, MERRILL TRACTS, in the County of Klamath, State of Oregon, described as follows:

A parcel of land situated in the NE 1/4 NW 1/4 Section 11, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the quarter corner common to Sections 2 and 11, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon; thence Westerly 700 feet along the section line between Sections 2 and 11, being the centerline of a county road, to a point on said section line; thence Southerly 30.00 feet at right angles to said section line to the Northwest corner of said parcel on the Southerly right of way line of said county road, being the true point of beginning; thence Easterly 115.00 feet along the Southerly right of way of said county road and parallel to said section line to a point; thence Southerly at right angles to said section line to the high water line of Lost River; thence Westerly along the high water line of Lost River to a point approximately 221 feet South of the point of beginning; thence North to the point of beginning.

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 mortgage records of the county or counties in which the above described real property is situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action has been instituted, such action has been dismissed.

There is a default by the grantor or other person owing an obligation, the performance of which is secured by said trust deed, or by their 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:

Payments in the amount of \$1,004.00 per month beginning February 15, 2011, plus interest.

Payment of the real property taxes for the tax year 2010-2011, paid by the beneficiary in the amount of \$712.99, plus interest.

Payment of the real property taxes for the tax year 2011-2012 in the amount of \$, plus interest.

Payment of the real property taxes for the tax year 2012-2013, in the amount of \$730.00, plus interest.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit: \$149,336.30 as of May 26, 2011, plus interest at 6.38 percent.

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

Said sale will be held at the hour of 11:00 o'clock, A.M., Standard Time as established by Section 187.110 of Oregon Revised Statutes on May 31, 2013, at the following place: 125 S. 6th Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place fixed by the trustee of said sale.

Other than as shown of record, neither the said beneficiary or the said 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 the 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
Justin M. Matthews P.O. Box 100 Merrill, OR 97633	Default upon Trust Deed
Jennifer L. Hunsaker P.O. Box 100 Merrill, OR 97633	Default upon Trust Deed

Justin M. Matthews
14410 Falvey Rd.
Merrill, OR 97633

Default upon Trust Deed

Jennifer L. Hunsaker
14410 Falvey Rd.
Merrill, OR 97633

Default upon Trust Deed

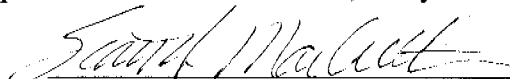
Basin Fertilizer and Chemical Co.
C/O Albert & Tweet, LLP.
P.O. Box 968
Salem, OR 97308

Judgment dated July 23, 2008
Klamath County Case No. 0800230-CV

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 said 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's fees not exceeding the amounts provided by said Section 86.753 of Oregon Revised Statutes.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: January 25, 2012.

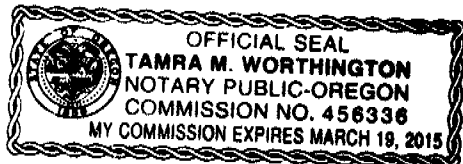


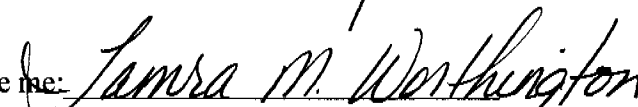
Scott D. MacArthur
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 24th day of January, 2013,
by Scott D. MacArthur.

(S E A L)



Before me: 
Notary Public for Oregon
My Commission Expires: March 19 2015