

2013-010243

Klamath County, Oregon



00142023201300102430030036

09/09/2013 09:28:41 AM

Fee: \$47.00

After recording, return to:

Kyle Schmid
Successor Trustee
550 NW Franklin Ave., Ste. 378
Bend, OR 97701

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

Reference is made to that certain trust deed made by Darrell McAllister and Norma McAllister, grantor, to First American Title Insurance Company of Oregon as trustee, in favor of The Theodore M. Rosen and Ileyne C. Rosen 2007 Revocable Trust, beneficiary, dated November 12, 2008, recorded November 19, 2008, in the official records of Klamath County, Oregon instrument no. 2008-015596 covering the following described real property (the "Property"), to-wit:

A TRACT OF LAND SITUATED IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 23 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF KLAMATH, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 27; THENCE NORTH 00° 13' 02" WEST 990.46 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00° 13' 02" WEST 329.30 FEET; THENCE EAST 661.19 FEET; THENCE SOUTH 00° 17' 12" EAST 329.30 FEET; THENCE WEST 661.59 FEET TO THE TRUE POINT OF BEGINNING.

The name and address of the Successor Trustee are as follows:

Kyle Schmid
550 NW Franklin, Ste. 378
Bend, OR 97701

There are continuing and uncured defaults by the Grantor that, based on the provisions of the aforementioned trust deed, authorize the foreclosure of the trust deed and the sale of the property described above. Listed below are the defaults. The list does not exhaust all possible other defaults; any and all defaults identified by beneficiary or the successor trustee that are not listed below must also be cured.

Grantor's defaults include:

- Allowing attachment of a lien by Unifund CCR Partners & Daniel N. Gordon, P.C. & Lindsay K. Wostmann, Attorneys.

- Allowing attachment of a lien by the Oregon Department of Consumer and Business Services.
- Failure to pay taxes when due.
- Failure to pay amounts due under the Trust Deed referenced above.

By reason of said defaults the beneficiary has declared all sums owing on the obligation that the trust deed secures immediately due and payable, said sums as of July 24, 2013 being the following, to-wit:

- Principal: \$50,000.00
- Accrued Interest: 3,824.00
- Late Fees: 1,100.00

In addition to the foregoing sums, the following amounts for which the Grantor is liable continue to accrue: all interest accruing on the outstanding principal until paid, title expenses, costs, and trustee's and attorney's fees incurred herein by reason of said default, and any sums advanced by the beneficiary for the protection of the above Property and its interest therein.

Notice is hereby given that by reason of the default, beneficiary and trustee hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to ORS 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 compensation of the trustee as provided by law and reasonable attorney's fees.

The sale will be held on **January 29, 2014**, at the hour of **10:00 o'clock AM** in accordance with the standard of time established by ORS 187.110, at the following place: **Front steps of Klamath County Courthouse, 316 Main Street, Klamath Falls, OR 97601.**

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 satisfied by: (1) payment of the entire amount then due, together with costs and expenses actually incurred in enforcing the terms of the obligations as wells as Successor Trustee and attorney's fees as prescribed by ORS 86.753; and (2) by curing all continuing and uncured defaults as described in this Notice of Default.

//

//

//

//

