

2014-000456

Klamath County, Oregon



NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from Allen D. Merck, Grantor

01/17/2014 01:17:21 PM

Fee: \$57.00

To First American Title Insurance Company,
an Oregon Corporation, as Trustee

For the benefit of Roland Roy Smith
and Clayton A. Smith, Beneficiary

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 ALLEN D. MERCK, is the grantor, and FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, an Oregon Corporation is the trustee, and ROLAND ROY SMITH and CLAYTON A. SMITH, each to an undivided $\frac{1}{2}$ interest is the beneficiary under that certain trust deed dated March 20, 1998, and recorded on March 26, 1998, in book/reel/volume No. M98 at page 009719 of the Mortgage (Microfilm) Records of Klamath County, Oregon. The Interest of ALLEN D. MERCK was conveyed MARY HELEN GOMEZ by Bargain and Sale Deed, dated July 28, 1999, and recorded on July 28, 1999, in book/reel/volume No. M99 at page 030480. The interest of ROLAND ROY SMITH was conveyed to ROLAND ROY SMITH and RUTH I. SMITH, husband and wife by Assignment of trust Deed By Beneficiary, dated August 19, 2003, and recorded on August 19, 2003, in book/reel/volume No. M03 at page 060606 of the Mortgage (Microfilm) Records of Klamath County, Oregon. The property is located at 2214 Gary Street, Klamath Falls, Oregon 97603 and legally described as:

EXHIBIT "A" Attached hereto and incorporated herein by this reference.

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:

Balance in full due and payable on March 28, 2013 in the amount of \$6,893.65, plus interest and costs

Returned to County

Failure to maintain casualty Insurance.

Failure to make payment of the real property taxes for the tax year 2010-2011 in the amount of \$564.83, plus interest.

Failure to make payment of the real property taxes for the tax year 2011-2012 in the amount of \$682.20, plus interest.

Failure to make Payment of the real property taxes for the tax year 2012-2013 in the amount of \$580.35, plus interest.

Failure to make payment of the real property taxes for the tax year 2013-2014 in the amount of \$1,061.53, 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: \$6,893.65 as of March 28, 2013, plus interest and costs.

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 June 6, 2014, 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
Allen D. Merck & Mary H. Gomez 2214 Gary Street Klamath Falls, OR 97603	Default upon Trust Deed

Allen D. Merck & Mary H. Gomez
P.O. Box 5112
Klamath Falls, OR 97601

Default upon Trust Deed

Allen D. Merck & Mary H. Gomez
1967 Lawrence
Klamath Falls, OR 97601

Default upon Trust Deed

Allen D. Merck & Mary H. Gomez
P.O. Box 696
Big Pine, CA 93513

Default upon Trust Deed

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 17, 2014.




Scott D. MacArthur
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 17th day of January, 2014, by Scott D. MacArthur.

(SEAL)

Before me: 

Notary Public for Oregon
My Commissioner Expires: 4-20-2014

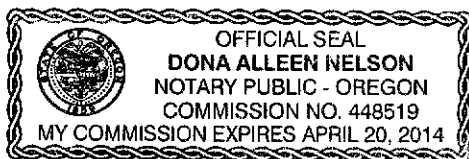


Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

Parcel 1:

Lot 8 in Block 2 of Pleasant View Tracts, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Parcel 2:

Beginning at a point on the North line of the Dalles-California Highway, 813.4 feet easterly from the intersection of said North line of the Dalles-California Highway and the Easterly line of the right of way of the United States Reclamation Service Main Canal; thence North 0°31' West 262.3 feet to the true point of beginning; thence North 0°31' West 148.0 feet; thence South 89°32' West 100.0 feet; thence South 0°31' East 148.0 feet; thence North 89°32' East 100.00 feet to the point of beginning, being a portion of the SW 1/4 NW 1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

SAVING AND EXCEPTING, a tract of land situated in the SW 1/4 NW 1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

Beginning at a 5/8 inch iron pin on the Northwest corner of Lot 9, Block 2, Pleasant View Tracts Subdivision; thence South 0°06'39" East along the westerly line of said Lot 9 a distance of 37.47 feet to a 5/8 inch iron pin on the Northwest corner of that tract of land described in Deed Volume 355 page 424, Klamath County Deed Records; thence South 89°43'30" West along the South line of that tract of land described in Deed Volume 158 page 259, Klamath County Deed Records a distance of 100.00 feet to a 5/8 inch iron pin on the Southeast corner of that tract of land described in Deed Volume 355 page 426, Klamath County Deed records; thence North 0°06'39" West along the East line of that tract of land described in said Volume 355 page 426 a distance of 37.47 feet; thence North 89°43'30" East a distance of 100.00 feet to the point of beginning.

Tax Parcel Number: R516828