

2014-004087

Klamath County, Oregon



00152079201400040870030036

04/29/2014 04:00:09 PM

Fee: \$52.00

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from Daniel R. Cornell and
Cherrish Cornell, Husband and Wife, Grantor

To Aspen Title and Escrow, Inc., Trustee

For the benefit of 2001 Fillmore Family Trust

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 DANIEL R. CORNELL and CHERRISH CORNELL, Husband and Wife, is the grantor, and ASPEN TITLE AND ESCROW, INC., Is the trustee, and JUNE E. FILLMORE and CLAUDIA JUNE DICKENS, Co-Trustees of the 2001 Fillmore Family Trust is the beneficiary under that certain trust deed dated July 21, 2009, and recorded on July 23, 2009, in Volume No. 2009 at page 009990 of the Mortgage (Microfilm) Records of Klamath County, Oregon. The property is described as:

Lot 449, Block 126 MILLS ADDITION TO THE CITY OF KLAMATH FALLS, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

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:

Failure to make monthly payments in the amount of \$505.92 per month for the months of January 2012, March 2012, June 2012 through September 2012, November 2012 through January 2013, June 2013, and from January 2014 to the present.

Failure to make payment of the real property taxes for the tax year 2013-2014 in the amount of \$648.73, 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: \$64,543.14 as of December 13, 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 August 29, 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
Daniel R. Cornell 2451 Vine Street Klamath Falls, OR 97601	Default upon Trust Deed
Cherrish Cornell 2451 Vine Street Klamath Falls, OR 97601	Default upon Trust Deed
Carter-Jones Collections 1143 Pine Street Klamath Falls, OR 97601	Judgment dated July 17, 2012 Klamath County Case No.1201698 CV
Circuit Court, State of Oregon, Klamath County Attn. Trial Court Administrator 316 Main Street Klamath Falls, OR 97601	Judgment dated October 12, 2011 Klamath County Case 1102696 CR

Circuit Court, State of Oregon,
Klamath County
Attn. Trial Court Administrator
316 Main Street
Klamath Falls, OR 97601

Judgment dated September 19, 2013
Klamath County Case 1302083 CR

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: April 29, 2014.




Scott D. MacArthur
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 29th day of April, 2014, by Scott D. MacArthur.

(SEAL)

Before me: 

Notary Public for Oregon
My Commissioner Expires: 3-27-2018

