



2014-009022

Klamath County, Oregon

08/29/2014 02:33:06 PM

Fee: \$72.00

After recording, return to:

ROBERT A. SMEJKAL

Attorney at Law

PO Box 1758

Eugene, OR 97440

Grantor:

Tawnia L. Shaw

Original Trustee:

AmeriTitle

Successor Trustee:

ROBERT A. SMEJKAL

Original Beneficiary:

Patricia J. Hardy

Current Beneficiary:

Frank L. Krebs, Jr., Trustee

of the Frank L. Krebs, Jr. Revocable

Living Trust, as to an undivided 50%

interest and Edna Jean Erickson, as

to an undivided 50% interest

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain Trust Deed made by TAWNIA L. SHAW, as Grantor, to AMERITITLE, as Trustee, in favor of PATRICIA J. HARDY ("Original Beneficiary"), as Beneficiary, dated April 28, 2006, recorded May 3, 2006, as Recorder's No. M06-08638, and re-recorded on October 23, 2008, as Recorder's No. 2008-014451 in the Microfilm Records of Klamath County, Oregon. Thereafter, the beneficial interest in the Trust Deed was assigned by the Original Beneficiary to Frank L. Krebs, Jr., Trustee of the Frank L. Krebs Revocable Living Trust, as to an undivided 50% interest and Edna Jean Erickson, as to an undivided 50% interest, by Assignment of Trust Deed by Beneficiary recorded November 23, 2009, as Recorder's No. 2009-014991 ("Current Beneficiary"), in the Microfilm Records of Klamath County, Oregon. The Trust Deed covers the real property situated in the above mentioned county and state which is more particularly described as follows:

"Lot 2, Block 5, Tract 1085, COUNTRY GREEN, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon."

The Trustee hereby certifies that no assignments of the Trust Deed by the Trustee, the Original Beneficiary, the Beneficiaries or any successors, and no appointments of a Trustee have been made, except as recorded in the records of the county 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, the performance of which is secured by the Trust Deed with respect to provisions therein, which authorizes sale in the event of default of such

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provision. The default for which foreclosure is made is Grantor's failure to pay: monthly payments in the amount of \$488.45 each month, commencing with the payment due June 15, 2014 and continuing each month thereafter.

By reason of the default, the Beneficiaries have declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the principal amount of \$43,984.27 plus interest at the rate of 8% per annum from 5/22/14 until paid; plus late fees, amounts, if any, advanced by the Beneficiaries pursuant to the Trust Deed and/or applicable law and attorney fees and foreclosure costs incurred.

Notice is hereby given that the Beneficiaries and the 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 ORS 86.795, and to cause to be sold at public auction to the highest bidder for cash or certified funds, 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 acquired after the execution of the Trust Deed, to satisfy the obligations secured by the Trust Deed and the expenses of sale, including the compensation of the Trustee as provided by law, and the reasonable fees of the Trustee's attorney.

The sale will be held at 11:00 a.m. in accord with the standard time established by ORS 187.110 on January 22, 2015, inside the front entrance of the Klamath County Courthouse located at 316 Main Street, in the City of Klamath Falls, County of Klamath, and State of Oregon, which is the hour, date and place last set for the sale.

Other than as shown of record, neither the Beneficiaries 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 Grantors, or of any lessee or other person in possession of or occupying the property, except:

Name and Last Known Address

Name of Right, Lien or Interest

N/A

Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five (5) days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiaries 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 the Trustee's attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes the plural, the word "Grantors" includes any successor in interest to the Grantors as well as any other person owing an obligation, the performance of which is secured by the Trust Deed, and the words "Trustee" or "Beneficiary" include their respective successors in interest, if any.

DATED this 25th day of August, 2014.

Robert A. Smejkal
ROBERT A. SMEJKAL, Trustee

STATE OF OREGON, County of Lane) ss.

This instrument was acknowledged before me on August 25th, 2014, by ROBERT A. SMEJKAL, Trustee.



Brenda D. Davis
NOTARY PUBLIC FOR OREGON
My commission expires: 12-28-16

Robert A. Smejkal, PC
P.O. Box 1758
Eugene, OR 97440

Lender/Beneficiary:	Frank L. Krebs, Jr., Trustee of the Frank L. Krebs, Jr. Trust
Jurisdiction*	Klamath County, Oregon

I, Frank L. Krebs, Jr. (printed name) being first duly sworn, depose, and state that:

7. The above named individual or entity commenced or caused an affiliate or agent of the individual or entity to commence the following number of actions to foreclose a residential trust deed by advertisement and sale under ORS 86.752 or by suit under ORS 88.010 during the calendar year preceding the date of this affidavit: 0 [not to exceed 175];

2. The undersigned further certifies that she/he: [check only one of the following boxes]
[✓] is the individual claiming exemption from requirements established under Or Laws 2013, ch 304, or
[] is the _____ [insert title] of the entity claiming exemption from requirements established under Or Laws 2013, ch 304, and is authorized by such entity to execute this affidavit on its behalf.

(Signature)

State of Oregon)
) ss.

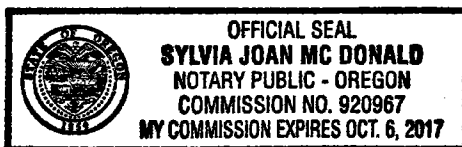
County of Klamath)

Signed and sworn to (or affirmed) before me this 25th day of August, 2014

by Frank L. Krebs, Jr., Trustee of the Frank L. Krebs Jr. Revocable Living Trust

Sylvia Joan McDonald
Notary Public for Oregon

My commission expires: OCT. 6, 2017



Robert A. Smejkal, PC
P.O. Box 1758
Eugene, OR 97440

Lender/Beneficiary:	Edna Jean Erickson
Jurisdiction*	Klamath County, Oregon

This affidavit is submitted for a claim of exemption to the Office of the Attorney General of Oregon under Oregon Laws 2013, chapter 304, §2(1)(b).

7. The above named individual or entity commenced or caused an affiliate or agent of the individual or entity to commence the following number of actions to foreclose a residential trust deed by advertisement and sale under ORS 86.752 or by suit under ORS 88.010 during the calendar year preceding the date of this affidavit: 0 [not to exceed 175];
2. The undersigned further certifies that she/he: [check only one of the following boxes]
[✓] is the individual claiming exemption from requirements established under Or Laws 2013, ch 304, or
[] is the _____ [insert title] of the entity claiming exemption from requirements established under Or Laws 2013, ch 304, and is authorized by such entity to execute this affidavit on its behalf.

Edna Jean Erickson
(Signature)

State of Oregon)
) ss.

County of Klamath)

Signed and sworn to (or affirmed) before me this 20th day of August, 2014
by Edna Jean Erickson

Kathleen D. Owens
Notary Public for Oregon
My commission expires: Feb 6, 2015

