

AFTER RECORDING RETURN TO:

Kendell H. Ferguson, Successor Trustee
SORENSEN, RANSOM, FERGUSON & CLYDE, LLP
133 NW D STREET
GRANTS PASS, OR 97526

2016-000309

Klamath County, Oregon

01/12/2016 02:54:37 PM

Fee: \$67.00

**NOTICE OF DEFAULT AND ELECTION TO SELL
AND CLAIM OF EXEMPTION**

1. DESCRIPTION OF TRUST DEED. This notice refers to that certain trust deed executed by DON V. BERRY, TRUSTEE OF THE DON V. BERRY REVOCABLE LIVING TRUST DATED DECEMBER 1, 2000, as Grantor; to AMERITITL, as Trustee, in favor of SOUTH CENTRAL OREGON ECONOMIC DEVELOPMENT DISTRICT and SOUTH CENTRAL OREGON REGIONAL INVESTMENT BOARD, as Beneficiaries, dated June 25, 2009, recorded June 26, 2009, in the Records of Klamath County, Oregon, as Document Number 2009-09203, covering the following described real property situated in said county and state, to-wit:

Lot 4 in Block 15, BUENA VISTA ADDITION, 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 beneficial interest in the trust deed and no appointments of successor trustee have been made by the trustee or by the beneficiary, other than by instruments recorded in the official records of each county where the above-described real property is situated. There is no pending action that has been instituted to recover the debt, or any part thereof, now remaining secured by the trust deed.

2. DEFAULTS. The grantor is in default in grantor's obligations which are secured by the trust deed. The default pertains to those provisions in the trust deed which authorize sale in the event of default. The default for which the election to foreclose is made is grantor's failure to pay or perform the following obligations secured by this trust deed:

Loan No. 1528.501: Failure to pay monthly installments of 436.29 each due on the 15th day of each month, unpaid for installments falling due on September 15, 2012, through December 15, 2015, inclusive;

Loan No. 1716.502: Failure to pay monthly installments of \$245.41 each due on the 15th day of each month, unpaid for installments falling due on September 15, 2012, through December 15, 2015, inclusive;

Failure to pay when due all real property taxes and all assessments imposed against the property subject of the trust deed.

3. DECLARATION OF BALANCE DUE. By reason of said default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable. The sums now owing are the following, to-wit:

Loan No. 1528.501:

The entire unpaid principal balance of Seventy-seven Thousand, Six Hundred Thirty-six and 18/100ths Dollars (\$77,636.18), together with interest thereon at the rate of five percent (5.0%) per annum from May 28, 2013 until paid, together with accrued interest of \$2,646.52 due on May 28, 2013;

and Loan No. 1716.502:

The entire unpaid principal balance of Forty-three Thousand, Seven Hundred Forty-eight and 64/100ths Dollars (\$43,748.64), together with interest thereon at the rate of five percent (5.0%) per annum from May 28, 2013 until paid, together with accrued interest of \$1,418.65 due on May 28, 2013.

4. ELECTION TO FORECLOSE. Notice hereby is given that the beneficiary and trustee, by reason of the default, have elected to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.815. The interest in the above-described property which the grantor had, or had the power to convey, at the time of the execution by the grantor of the trust deed, together with any interest the grantor or the grantor's successors-in-interest acquired after the execution of the trust deed, shall be sold at public

auction to the highest bidder for cash, to satisfy the obligations secured by the trust deed, the expenses of the sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

5. **TIME, DATE AND PLACE OF SALE.** The sale will be held at the hour of 11 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on May 26, 2016, at the following place: the front entrance of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon.

6. **UNRECORDED CLAIM OF LIEN OR INTEREST.** Neither the beneficiary 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 which lien or interest is 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, other than as shown of record, except the following:

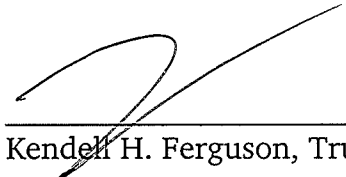
NAME AND LAST KNOWN ADDRESS	NATURE OF RIGHT, LIEN, OR INTEREST
None Known	

7. **RIGHT TO CURE DEFAULT.** Any person named in ORS 86.778 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 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. In addition to paying the sums in default or tendering the performance necessary to cure the default, such party curing the default must pay all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee and attorney fees not exceeding the amounts provided by ORS 86.778.

8. **GRAMMATICAL CHANGES IMPLIED.** In this notice, the masculine gender shall include both the feminine and the neuter; the singular shall include 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

9. **FORECLOSURE AVOIDANCE MEDIATION EXEMPTION.** The trust deed subject of this Notice of Default is not a residential trust deed as defined by ORS 86.705. The beneficiary is not subject to the foreclosure avoidance mediation provisions of ORS 86.726(1)(b) and is not required to provide the Claim of Exemption affidavit.

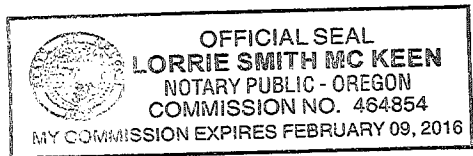
DATED: January 7th, 2016

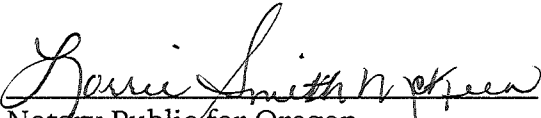

Kendell H. Ferguson, Trustee

Mailing Address of Trustee:
133 NW D Street
Grants Pass, OR 97526

STATE OF OREGON, County of Josephine) ss. January 7, 2016.

The foregoing instrument was acknowledged before me by Kendell H. Ferguson, as Trustee.




Notary Public for Oregon
My Commission Expires: 2/9/2016

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.