

BC

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCE

2017-006916

Klamath County, Oregon

NOTICE OF DEFAULT  
AND ELECTION TO SELL

00205712201700069160030030

06/23/2017 02:07:24 PM

Fee: \$52.00

Devon Derry and Rachel Derry

4871 Meadow Glen Loop

Klamath Falls, OR 97603

Grantor's Name and Address

AmeriTitle, Neal G. Buchanan, Attorney

as Successor, 435 Oak Avenue

Klamath Falls, OR 97601

Trustee's Name and Address

Kaybee Land &amp; Livestock, Keith

McClung as Successor, P.O. Box 7659

Klamath Falls, OR 97602

Beneficiary's Name and Address

After recording, return to (Name and Address):

Neal G. Buchanan

435 Oak Avenue

Klamath Falls, OR 97601

SPACE RESERVED

FOR

RECORDER'S USE

Reference is made to that certain trust deed made by Devon Derry and Rachel Derry

\_\_\_\_\_, as grantor, to  
AmeriTitle (Neal G. Buchanan, Attorney as Successor) \_\_\_\_\_, as trustee,  
 in favor of Kaybee Land & Livestock, LLC (Keith McClung as Assignee) \_\_\_\_\_, as beneficiary,  
 dated March 10, 2011 \_\_\_\_\_, recorded on March 22, 2011 \_\_\_\_\_, in the Records of  
Klamath \_\_\_\_\_ County, Oregon, in ☐ book ☐ reel ☒ volume No. 2011 \_\_\_\_\_ on page 003897 \_\_\_\_\_,  
 and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. \_\_\_\_\_ (indicate which), covering the following  
 described real property situated in the above-mentioned county and state (*legal description of property*):

Lot 27 of FIRST ADDITION TO EVERGREEN MEADOWS - TRACT 1329, according to the official plat thereof on file in the office of the County Clerk of 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 Records of the county or counties in which the above-described real property is situated. Further, an action has not been commenced to recover the debt, or any part thereof, now remaining secured by the trust deed, or, if an action has been commenced, such action has been dismissed except as permitted by ORS 86.752(7).

There is a default by grantor or other person owing an obligation, performance of which is secured by the trust deed, or by the 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:

1. Monthly payment in the sum of \$700 (plus collection fees) due 1-14-13 with a like payment due the 14th day of each month thereafter.
2. Requirement for payment of real property taxes.
3. Requirement for maintenance of hazard insurance.

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following: 1. Principal and interest balance in the sum of \$121,044.50 together with interest thereon at the rate of 6.142% per annum from January 29, 2013 until paid. 2. Real property taxes paid by the beneficiary. 3. Insurance premiums paid by beneficiary. 4. All costs, fees & expenses of this trust deed including the cost of title search as well as the other costs & expenses of the trustee incurred in connection with or in enforcing this obligation and trustee's and attorney's fees actually incurred.

(CONTINUED)

Notice hereby is given that the beneficiary and 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 86.815, 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 the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The sale will be held at the hour of 1:30 o'clock, P. M., in accord with the standard of time established by ORS 187.110 on October 24, 2017, at the following place: Lobby of Klamath County Court House in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

Other than as shown of record, 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 subsequent to the interest of the trustee in the trust deed, or of any successor in interest to 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

**See Exhibit A attached hereto and incorporated herein by reference as though fully set forth herein.**

Notice is further given that 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, 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 trustee's and attorney fees not exceeding the amounts provided by ORS 86.778.

In construing this instrument, where the context so requires, 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, the undersigned has executed this instrument on June 23, 2017; any signature on behalf of a business or other entity is made with the authority of that entity.

*Neal G. Buchanan*

Successor ☐ TRUSTEE ☐ BENEFICIARY (INDICATE WHICH)

Neal G. Buchanan, Attorney

STATE OF OREGON, County of KLAMATH ss.

This record was acknowledged before me on June 23, 2017,

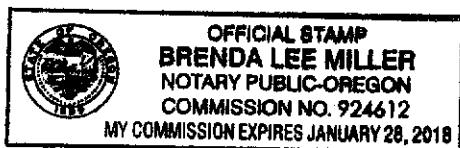
by Neal G. Buchanan, Attorney as Successor Trustee

This record was acknowledged before me on \_\_\_\_\_,

by \_\_\_\_\_

as \_\_\_\_\_

of \_\_\_\_\_



*Brenda Miller*

Notary Public for Oregon

My commission expires 1-28-18

NAME AND LAST KNOWN ADDRESS	NATURE OF RIGHT, LIEN OR INTEREST
Devon Derry 3921 Bartlett Avenue Klamath Falls, OR 97603	Trust Deed Grantor
Rachel Derry 3950 Homedale Road #27 Klamath Falls, OR 97603	Trust Deed Grantor
Rebecca Shaw 412A NW C Street Grants Pass, OR 97526	Judgment Creditor (various judgments) in Klamath County Circuit Court Case No. 0503674CV
State of Oregon Attorney General 530 Center Street NE Salem, OR 97301	State Tax Warrant Warrant B80281 Recorded September 24, 2013 Vol. 2013 pg. 010810 Creditor Oregon Employment Department
Occupant or Party In Possession 4871 Meadow Glen Loop Klamath Falls, OR 97603	Occupant or Party In Possession

**EXHIBIT A**