

AFTER RECORDING RETURN TO:  
Ben Freudenberg, Attorney at Law  
Davis, Freudenberg, Day & Galli  
600 N.W. Fifth Street  
Grants Pass OR 97526

**2018-009941**

Klamath County, Oregon

08/22/2018 01:10:01 PM

Fee: \$92.00

### **NOTICE OF DEFAULT & ELECTION TO SELL**

Reference is made to that certain Trust Deed made by Kryin R. Greenwood, Grantor, to First American Title Company, Trustee, in favor of Robert Burstein, Trustee of the Robert Burstein Retirement Plan as to an undivided 23.2% interest and Robert Burstein as to an undivided 76.8 % interest, Beneficiary, dated July 24, 2012, recorded July 31, 2012, as Document No. 2012-008387, Official Records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit:

A tract of land situated in Government Lot 1 in the NW1/4 of Section 29, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point 40 feet South of the Northwest corner of the NE1/4 NW1/4 of Section 29, Township 39 South, Range 9 East of the Willamette Meridian; thence South 1280 feet; thence East 659.4 feet; thence North 1280 feet to the South line of the Miller Island Road; thence West along the line of said road 659.4 feet to the point of beginning.

EXCEPTING THEREFROM a tract of land situated in Government Lot 1 in the NW1/4 of Section 29, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point 40 feet South of the Northwest corner of the NE1/4 NW1/4 of Section 29, Township 39 South, Range 9 East of the Willamette Meridian; thence South 1280 feet; thence East 281.22 feet; thence North 1280 feet to the South line of the Miller Island Road; thence West along the line of said road 282.99 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying within the right of way of Miller Island Road.

The undersigned hereby certifies that no assignments of the Trust Deed by the trustee or by the beneficiary, and no appointments of any successor trustee, have been made except as recorded in the Official Records of the county or counties in which the above-described real property is situated; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by 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 defaults for which foreclosure is made are:

1. Grantor's failure to pay monthly payments
2. Grantor's failure to pay the entire sum, principal and interest, in full on the due date of July 30, 2015.
3. Grantor's failure to pay late charges.

By reason of said defaults, the Beneficiary has declared the Promissory Note obligation secured by the said Trust Deed immediately due, owing and payable in the principal sum of \$107,219.39 together with interest thereon at the rate of twelve percent (12 %) per annum from April 20, 2018, until paid.

NOTICE IS HEREBY 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 86.815, and to cause to be sold at public auction to the highest bidder for cash the interest in the said described property which the Grantor had, or had the power to convey, at the time of execution by Grantor of the Trust Deed, together with any interest the Grantor or Grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the obligation secured by said Trust Deed and expenses of the sale, including a reasonable charge by the Successor Trustee, as provided by law.

Said sale will be made at the hour of **11:00 a.m.** in accordance with the standard of time established by Section 187.110, Oregon Revised Statutes, on **January 17, 2019**, on the front steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, which is the hour, date and place fixed by the Successor Trustee for said sale.

Other than as shown of record, neither the said Beneficiary nor the said Successor Trustee has had 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 Successor Trustee in said Deed of Trust, or of any successor in interest to the Grantor or of any lessee or other person in possession of or occupying the property, except: NONE.

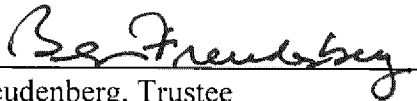
**NOTICE IS FURTHER GIVEN** that any person named in Section 86.778 of Oregon Revised Statutes has the right, at any time prior to five days before the Successor Trustee conducts the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiary of the 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 86.778 of Oregon Revised Statutes.

In construing this notice, the masculine gender includes the feminine and the neuter, and 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, the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

This communication is an attempt to collect a debt and any information obtained will be used for that purpose.

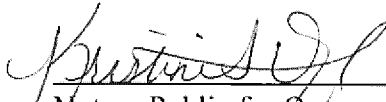
DATED: August 22, 2018.

  
Ben Freudenberg, Trustee  
600 N.W. 5<sup>th</sup> Street  
Grants Pass, Or. 97526  
541-476-6627

STATE OF OREGON)  
County of Josephine ) ss.

The foregoing instrument was acknowledged before me on August 22, 2018, by Ben Freudenberg, Trustee.



  
Notary Public for Oregon  
My Commission expires: 6-10-22