

Douglas Kincaid
Returned at Counter

2024-000894
Klamath County, Oregon



00324715202400008940030032

02/05/2024 11:16:48 AM

Fee: \$92.00

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

Re: Trust Deed recorded as Instrument No.
2019-013866 in the records of Klamath County,
Oregon

Grantor(s): Erick Vianey Castillo Vasquez

Beneficiary(ies): Daniel Lamont Forest, Trustee
of the Daniel Lamont Forest Living Trust

Original Trustee: AmeriTitle

Current Trustee: Douglas A. Kincaid,
OSB #121032

After recording return to:
Kincaid Law LLC
409 Pine Street
Klamath Falls, OR 97601

Erick Vianey Castillo Vasquez was the Grantor(s) on that certain Trust Deed, to AmeriTitle as Trustee in favor of Daniel Lamont Forest, Trustee of the Daniel Lamont Forest Living Trust, as Beneficiary dated November 25, 2019, and recorded November 27, 2019, in the records of Klamath County, Oregon, covering the legal property described as follows, to wit:

Parcel 1

SW1/4 of the SW1/4 of the SE1/4 of Section 20, Township 36 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

Parcel 2

SE1/4 of the SW1/4 of the SE1/4 of Section 20, Township 36 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

Parcel 3

W1/2 of the SE1/4 of the SE1/4 of Section 20, Township 36 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

Parcel 4

E1/2 of the SE1/4 of the SE1/4 of Section 20, Township 36 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

County Tax Account(s)/Parcel Nos.: 696107/3610-02000-01400, 324651/3610-02000-01500, 324679/3610-02000-01800, 324688/3610-02000-01900

The undersigned hereby certifies that no assignments of the Trust Deed by the Trustee, Douglas A. Kincaid, OSB #121032, or by the Beneficiary, Daniel Lamont Forest, Trustee of the Daniel Lamont

Forest Living Trust, 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 located. 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 law.

There is a default by Granter(s) 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 such provision. The default for which foreclosure is made is Grantor's failure to pay when due the following sums:

\$1,165.47 for 12/1/2023 and 1/1/2024

By reason of said default, the Beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable totaling \$72,145.66, said sums being the following:

1. \$68,054.20 in remaining principal balance
2. \$1,045.44 in interest as of February 5, 2024, accruing on the principal balance from December 1, 2023, until paid
3. \$233.08 in late charges
4. \$83.49 in foreclosure fees and costs
8. \$2,729.45 in attorney fees and costs
9. Together with additional title expenses, costs, Trustees fees and attorney fees incurred hereinafter by reason of said default and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest there in.

Notice hereby is given that the Beneficiary and Trustee, by reason of 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 granter had, or had the power to convey, at the time of the execution by Granter of the Trust Deed, together with any interest Granter 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 compensation of the Trustee as provided by law, and the reasonable fees of Trustee's attorneys.

The Sale will be held at the hour of 10:00 AM, in accord with the standard of time established by ORS 187.110, on Monday, July 1, 2024, at the following place: On the Main Street entrance steps to the Klamath County Circuit Court, 316 Main Street, Klamath Falls, Oregon 97601.

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 granter 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 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), together with costs, Trustee's and attorney's fees, 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, at any time prior to five days before the date last set for sale.

Without limiting the Trustee's disclaimer of representations or warranties, Oregon law requires the Trustee to state in this notice that some residential property sold at a Trustee's sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the Trustee's sale.

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

Dated: 2/5/24


Douglas A. Kincaid, OSB #121032

State of OREGON


County of Klamath

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On this 5 day of February, 2024, before me, Micaiah E.L. Caldwell a Notary Public in and for said state, personally appeared Douglas A. Kincaid known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for the State of Oregon
Residing at: 10767 Freddy Ave, Klamath Falls,
Commission Expires: 3-16-2024 OR 97603

To the extent your original obligation was discharged or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this notice is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation.