



2024-003293
Klamath County, Oregon
04/30/2024 09:50:02 AM
Fee: \$102.00

RECORDING

After recording return to:
AmeriTitle
404 Main St., Suite 1
Klamath Falls OR 97601

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain Trust Deed, Security Agreement, Assignment of Rents and Fixture Filing made by B Well Development - Oregon, LLC, an Oregon limited liability company, as grantor, to AmeriTitle, Inc., as trustee, in favor of AgAmerica Lending, LLC, as beneficiary dated July 30, 2020, recorded on July 31, 2020, in the mortgage records of Klamath County, Oregon as Instrument No. 2020-009405 (hereinafter the "Trust Deed"), on the following described real property situated in said county and state, to wit:

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN

The original beneficiary's interest under said Trust Deed was assigned, pursuant to an Assignment of Deed of Trust dated July 28, 2020, recorded on July 31, 2020, in the mortgage records of Klamath County, Oregon as Instrument No. 2020-009406, wherein AgAmerica Lending, LLC assigned all of its interest, as beneficiary under the Trust Deed to Agri-A1, LLC.

The undersigned, Brian D. DiFonzo, of Yturri Rose LLP, whose mailing address is P.O. Box "S", Ontario, Oregon 97914 as the Appointed Successor Trustee, 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 mortgage records of the county in which the above-described real property is situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said Trust Deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.752(7).

There is a default by the grantor or other persons owing an obligation, the performance of which is secured by said Trust Deed, or by their successor in interest with respect to provision therein which authorizes sale in the event of a default of such provision; the default for which foreclosure is made is grantor's failure to pay when due the following sums:

- 1) Failure to pay the following amount, now in arrears
(Monthly Payments each in the amount of \$5,980.92
for the months September 2023 through April 2024): \$47,847.36

2) Default Interest through April 23, 2024, and continuing to accrue, in the amount of: \$15,351.23

3) Late Charges and Fees assessed through April 23, 2024, totaling: \$ 2,914.50

TOTAL DEFAULT AND ITEMIZED ARREARAGES: \$66,113.09

By reason of said default, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following to-wit:

Unpaid balance, interest and late fees are \$838,504.78 as of April 23, 2024. In addition there are attorney's fees, foreclosure costs, interest, late charges, and advances for the protection and preservation of the property may accrue after the date of this notice.

Notice hereby is 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 ORS 86.705 to 86.815, and to cause to be sold at public auction to the highest bidder for cash the interest in said described property which the 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 obligations secured by said Trust Deed and the expenses of sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:00 a.m. in accordance with the standard time established by ORS 187.110 on September 12, 2024, at the following place: Outside of the front entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, at 10:00 a.m. Pacific Time, which is at the hour, date and place last set for said sale.

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, if any), paying all advances authorized under the Trust Deed, including all costs and expenses incurred in enforcing the obligation and Trust Deed, and by curing any default complained of herein that is capable of being cured by 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 ORS 86.778.

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.

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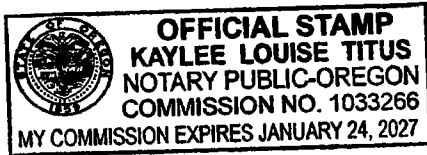
In construing this notice, the singular includes the plural, the word "grantor" included any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "trustee" and "beneficiaries" include their respective successor in interest, if any.



Brian D. DiFonzo Successor Trustee

STATE OF OREGON)
) ss.
COUNTY OF MALHEUR)

On this 5th day of April, 2024, Brian D. DiFonzo, personally appeared and acknowledged that he signed the within foregoing instrument as his free and voluntary act and deed for the uses and purposes therein mentioned.




Notary Public for Oregon
My Commission Expires: 1-24-2027

For information call:
Brian D. DiFonzo
Yturri Rose LLP
PO Box "S"
Ontario, OR 97914
Telephone: (541) 889-5368

EXHIBIT A

Parcel A:

Parcel 1 of Land Partition 31-93 situated in the NE1/4 SE1/4 and the SE1/4 NE1/4 Section 2, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

Parcel B:

The SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 4, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

Together with a 30-foot ingress and egress easement by deed Volume M92, page 12837, and Volume 162, page 59 as delineated on Land Partition 31-93,

Also together with: Road Maintenance Agreement, subject to the terms and provisions thereof; dated March 11, 1986, recorded April 1, 1986 as Volume M86, page 5371, Microfilm Records of Klamath County, Oregon.