

**NOTICE OF DEFAULT  
AND ELECTION TO SELL**

**2024-010722**

**Klamath County, Oregon**

12/11/2024 11:46:01 AM

Fee: \$97.00

After recording return to:

John A. McIntosh, OSB # 172742  
Schweet Linde & Rosenblum, PLLC  
575 S. Michigan Street  
Seattle, WA 98108

---

Reference is made to that certain commercial Deed of Trust and Security Agreement made by **Badger Flats Limited Partnership**, as grantor, to Amerititle, LLC, as original trustee, in favor of WADOT CAPITAL, INC., a Washington corporation, as Beneficiary, recorded on January 21, 2021, in the Records of Klamath County, Oregon under Recording No. 2021-000999; and subsequently assigned to the current beneficiary KC Capital, LLC, a Washington limited liability company and said assignment was recorded on January 27, 2021 in the Records of Klamath County, Oregon under Recording No. 2021-001228, covering the following described real property situated in the above mentioned county and state, to wit:

Parcel 1:

The SE1/4 NW1/4, that portion of the N1/2 NW1/4 and SW1/4 NE1/4 lying South of Highway 140 all in Section 1, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon. Less and except that portion deeded to the State of Oregon by and through its Department of Transportation, recorded May 10, 2004 in Volume M04, page 28266, records of Klamath County, Oregon.

Parcel 2:

That portion of the NW1/4 NE1/4 lying South of Highway 140 all in Section 1, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon. Less and except that portion deeded to the State of Oregon by and through its Department of Transportation, recorded May 10, 2004 in Volume M04, page 28266, records of Klamath County, Oregon.

The undersigned hereby certifies that based upon business records there are no known written assignment 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, 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 ORS 86.752(7).

There is a default by grantors 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:

8 payments of \$4,685.66 for May-December 2024:	\$37,485.28
Default Interest through 12/1/2024:	\$30,749.66
Late Charges:	\$19,422.42
3 NSF Charges:	\$1,406.25
Extension Fee/Loan Mod 2/1/2022	\$8,996.46
Extension Fee/Loan Mod 1/31/2024	\$8,996.46
Funds held in Suspense:	(\$9,687.50)
<b>Total Amount In Arrears:</b>	<b>\$97,369.03*</b>
*Together with title expenses, costs, Trustee's fees and attorney fees incurred herein 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 therein.	

The default for which foreclosure is made is also the failure to pay the real property taxes.

Notice is hereby given that the beneficiaries and trustee, by reason of default, have elected and do hereby elect to foreclose the trustee 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 compensation of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Notice hereby is given that John A. McIntosh, the undersigned trustee, will on **April 21, 2025**, at the hour of 11:00 AM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at the front steps of the Klamath County Courthouse at 316 Main St, Klamath Falls, Oregon 97601, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee.

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 and Nature of Right, Lien or Interest:

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 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 notice, the singular includes the plural, the word "grantor" includes any successor in interest to this 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.

If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan in which case this letter is intended to exercise the note holder's rights against the real property only. As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligation.

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.

**NOTICE TO TENANTS: TENANTS OF THE SUBJECT REAL PROPERTY HAVE CERTAIN PROTECTIONS AFFORDED TO THEM UNDER ORS 86.782 AND POSSIBLY UNDER FEDERAL LAW. ATTACHED TO THIS NOTICE OF DEFAULT, AND INCORPORATED HEREIN, IS A NOTICE TO TENANTS THAT SETS FORTH SOME OF THE PROTECTIONS THAT ARE AVAILABLE TO A TENANT OF THE SUBJECT REAL PROPERTY AND WHICH SETS FORTH CERTAIN REQUIREMENTS THAT MUST BE COMPLIED WITH BY ANY TENANT IN ORDER TO OBTAIN THE AFFORDED PROTECTION, AS REQUIRED UNDER ORS 86.771.**

Dated: December 11, 2024

  
\_\_\_\_\_  
John A. McIntosh, OSB # 172742  
Successor Trustee  
(206) 381-0118  
575 S. Michigan Street  
Seattle, WA 98108

Acknowledgment on Following Page

STATE OF WASHINGTON                 )  
  ) ss  
COUNTY OF KING                       )

I certify under PENALTY OF PERJURY under the laws of the State of Oregon that the foregoing paragraph is true and correct.

Travis E. Escame (PRINT NAME)  
Notary Public in and for the State of Washington  
Residing at: Seattle  
My commission expires: February 15, 2028