

'01 DEC 28 PM1:14

LAW OFFICES OF STEVEN J. MELMET, INC.
2912 S. Daimler Street
Santa Ana, CA 92705-5811

State of Oregon, County of Klamath
Recorded 12/28/01, at 1:14 P m
in Vol. M01 Page 66566
Linda Smith, County Clerk
Fee \$ 36.00 # of Pgs 4

TRUSTEE'S SALE NO.: 2001-27292-D
LOAN NO.: 7002923386

K58093

Space Above This Line For Recorder's Use

NOTICE OF DEFAULT AND ELECTION TO SELL

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.

Reference is made to that certain Trust Deed made by: BRETT TA JOHNSON, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY, as Grantor to CHICAGO TITLE INSURANCE COMPANY, as Trustee, in favor of FIRST FRANKLIN FINANCIAL CORPORATION, as Beneficiary, dated 3/26/99 recorded 4/12/99, in the mortgage records of KLAMATH County, OREGON, as Instrument No. 12974, Book , Page , covering the following described real property situated in said county and state, to-wit:

SEE ATTACHED EXHIBIT "A" LEGAL DESCRIPTION HERETO AND MADE A PART HEREOF.

The street address or other common designation, if any, of the real property described above is purported to be:

**5943 HARPOLD ROAD
BONANZA, OREGON 97623**

The undersigned trustee, LAW OFFICES OF STEVEN J. MELMET, INC., 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 or counties in which the above described real property is situate; further, that no action has been instituted to recover 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 O.R.S. 86.735 (4).

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 default for which foreclosure is made is Grantor's failure to pay when due the following sums:

<u>FROM</u>	<u>INT. RATE</u>	<u>NO. PMT</u>	<u>AMOUNT</u>	<u>IMPOUND</u>	<u>TOTAL</u>
6/1/2001	9.375	12	\$804.00		\$9,648.00

Late Charges:	\$442.20
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ADVANCES:	AMOUNT
L/C	\$235.77

Grand Total:	\$10,325.97
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TOGETHER WITH ANY DEFAULT IN THE PAYMENT OF RECURRING OBLIGATIONS AS THEY BECOME DUE.

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

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The unpaid principal balance of \$95,321.56 together with interest thereon at the current rate of 9.375% per annum from 5/1/2001 until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

Notice hereby is given that the beneficiary and current trustee, **LAW OFFICES OF STEVEN J. MELMET, INC.**, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to O.R.S. 86.705 to 86.795, 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 him of the Trust Deed, together with any interest the Grantor or his successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said 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.

Said sale will be held at the hour of **10:00 AM** in accord with the standard of time established by O.R.S. 187.110 on **5/8/2002** at the following place:

**AT THE MAIN ENTRANCE TO THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET,
KLAMATH FALLS, OREGON**

County of **KLAMATH**, State of **OREGON**, which is the hour, date and place last set for said sale.

Notice is further given that any person named in O.R.S. 86.753 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 of 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 O.R.S. 86.753.

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

Dated: **December 23, 2001**

First American Title Company

By 
Luis Cerda, Assist. Sec.

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For further information, please contact:

FIRST AMERICAN TITLE INSURANCE COMPANY
200 S.W. MARKET STREET, SUITE 250
PORTLAND, OR 97201-5730
C/O LAW OFFICES OF STEVEN J. MELMET, INC.
(949) 263-1000

STATE OF CA
COUNTY OF Orange } ss.

On 12-26-2001, I certify that I know or have satisfactory evidence that Luis Cerdan is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Laura M. Soza, Notary Public
My Commission Expires: 5-26-05



THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Exhibit "A"

A tract of land situated in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 29, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West line of the said E $\frac{1}{2}$ of the NW $\frac{1}{4}$ said point being South 89°58'36" East 1,319.48 feet and North 00°17'46" East 594.09 feet from the West $\frac{1}{4}$ corner of said Section 29; thence North 00°17'46" East along the West line of the said E $\frac{1}{2}$ of the NW $\frac{1}{4}$ 993.05 feet; thence South 89°42'14" East 60.00 feet; thence South 35°21'30" East 486.98 feet; thence South 54°16'48" East 220.90 feet; thence South 48°26'22" West 703.35 feet to the point of beginning.