

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

RE: Trust Deed from Thomas G. Garber Grantor

**To Fidelity National Title Insurance Company
Successor Trustee**

After recording return to (name, address, zip):
**W.T. CAPITAL LENDER SERVICES
1640 WEST SHAW AVENUE, SUITE 101
FRESNO, CA 93711**

State of Oregon, County of Klamath
Recorded 04/10/2002 2:51 p.m.
Vol M02. Pg 21186-88
Linda Smith, County Clerk
Fee \$ 31.00 # of Pgs 3

SPACE RESERVED
FOR
RECORDER'S USE

2410126 Fidelity

**THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

TS No: 02-4014-01

Loan No: 45406509-5

Reference is made to that certain trust deed made by Thomas G. Garber as grantor, to Fidelity National Title Insurance Company as successor trustee, in favor of Green Tree Financial Servicing Corporation, as beneficiary, dated 10/24/97, recorded 10/30/97, in the Records of Klamath County, Oregon, in book M97 at page 35970, and/or as instrument No. 47883, covering the following described real property situated in the above-mentioned county and state, to wit:

**APN: R-3909-013AB-01600-000 & M-98-170 & R-3909-013AB-01700-000 GREEN
THE E 1/2 OF LOT 4, ALL OF LOT 5, BLOCK 3, TRACT #1085, COUNTRY GLEN, IN THE COUNTY OF
KLAMATH, STATE OF OREGON.**

The undersigned 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 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 86.735(4).

There is a default by grantor 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:

Delinquent Payments

FROM	THRU	NO. PMT	RATE	AMOUNT	TOTAL
10/15/2001	12/14/2001	2	9.49	17.52	\$ 35.04
12/15/2001	1/14/2002	1	9.49	24.00	24.00
1/15/2002		3	9.49	\$626.68	1,880.04

Total Late Charges:
Beneficiary Advances

22.07

\$1,961.15

TOTAL FORECLOSURE COST:

\$993.65

TOTAL REQUIRED TO REINSTATE:

\$2,954.80

21187

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to- wit:

THE INSTALLMENT OF PRINCIPAL AND INTEREST WHICH BECAME DUE ON 1/15/2002 AND ALL SUBSEQUENT INSTALLMENTS, TOGETHER WITH ALL LATE CHARGES, ADVANCES TO SENIOR LIENS, INTEREST, INSURANCE, TAXES AND ASSESSMENTS; ANY DELINQUENT TAXES AND/OR INSURANCE PREMIUMS AND/OR PAYMENTS TO PRIOR LIENHOLDERS TO BE ADVANCED BY THE BENEFICIARY AFTER THE RECORDING OF THE NOTICE OF DEFAULT.

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 86.795, 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 compensations 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 **August 16, 2002**, at the following place: **ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN ST., IN THE CITY OF KLAMATH FALLS**, County of Klamath, State of Oregon, which is the hour, date and place last set for sale.

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

Nature of Right, Lien or Interest

Thomas G. Garber**Trustor**


P.O. BOX 2513
Winston, OR 97496

Notice is further given that any person named in ORS 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 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 86.753.

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.

Dated March 30, 2002

FIDELITY NATIONAL TITLE INSURANCE COMPANY
As Successor Trustee
By WT Capital Lender Services, Its Authorized Agent


DEBRA BERG, Senior Vice President

21188

State of California } ss.
County of Fresno }

On ~~04/01/02~~⁰⁸, before me, the undersigned Notary Public, personally appeared **Debra Berg** personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature

Anthony R. Garcia

