

02 SEP 30 PM 3:19

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After recording return to(name, address, zip):  
Quality Loan Service Corp.  
319 Elm Street, 2nd Floor  
San Diego, CA 92101-3006  
(619) 645-7711

State of Oregon, County of Klamath  
Recorded 09/30/2002 3:19 p m.  
Vol M02, Pg 55730-33  
Linda Smith, County Clerk  
Fee \$ 36.00 # of Pgs 4

SPACE RESERVED FOR RECORDER'S USE

TS No: F-29037-OR-JB

Loan No: 8408395

**K59500**

### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by CHRISTINE R. BAXENDALE as grantor, to FIRST AMERICAN TITLE INSURANCE COMPANY as successor trustee, in favor of TMS MORTGAGE INC., DBA THE MONEY STORE, as beneficiary, dated 9/29/1999, recorded 10/4/1999, in the Records of KLAMATH County, Oregon, in book M99 at page 39371, and as instrument No. ~~39371~~, covering the following described real property situated in the above-mentioned county and state, to wit:

APN: R252997

A PIECE OR PARCEL OF LAND SITUATE IN THE NE 1/4 NW 1/4 OF SECTION 5, TOWNSHIP 41 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF KLAMATH, STATE OF OREGON, AND MORE COMPLETELY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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             |
|------------------------------|------------|---------|-------|----------|-------------------|
| 8/1/2002                     | 10/15/2002 | 3       | 40.05 | \$355.45 | \$1,066.35        |
| Total Late Charges:          |            |         |       |          | \$41.52           |
| Beneficiary Advances         |            |         |       |          |                   |
| INSPECTION FEES              |            |         |       |          | \$17.00           |
| FORBEARANCE SUSPENSE BALANCE |            |         |       |          | -\$4.55           |
| LATE CHARGES                 |            |         |       |          | \$41.52           |
| NSF FEES                     |            |         |       |          | \$25.00           |
|                              |            |         |       |          | <u>\$1,186.84</u> |

TOTAL FORECLOSURE COST: \$1,371.92

TOTAL REQUIRED TO REINSTATE: \$2,558.76

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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:

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\$30,897.97 with interest thereon at the rate of 10.05% beginning 7/1/2002; plus late charges of \$13.84 each month beginning 8/1/2002 until paid; plus prior accrued late charges of \$27.68; plus advances of \$78.97; together with title expense, costs, trustee's fees and attorneys 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

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 **2/14/2003**, at the following place: **ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH, OR**

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

**CHRISTINE BAXENDALE**

19336 ANDERSON ROAD  
MERRILL, OR 97633

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.

This debt will be presumed to be valid unless you notify this firm in writing within thirty (30) days after receipt of this notice that you dispute the validity of the debt or any portion thereof. If you dispute the validity of this debt or any portion thereof, and if you notify this firm of your dispute in writing within the thirty-day period, we will provide you with verification of the debt and mail such to you at the address to which this notice was sent. Upon your written request within the thirty-day period, we will provide you the name and address of the original creditor according to our records if different than the present creditor.

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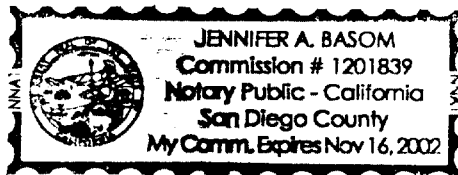
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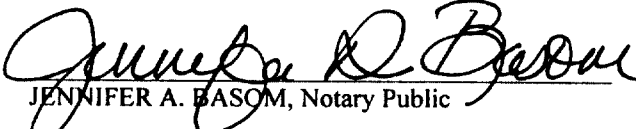
**THIS NOTICE IS SENT FOR THE PURPOSE OF COLLECTING A DEBT. THIS FIRM IS ATTEMPTING TO COLLECT A DEBT ON BEHALF OF THE HOLDER AND OWNER OF THE NOTE. ANY INFORMATION OBTAINED BY OR PROVIDED TO THIS FIRM OR THE CREDITOR WILL BE USED FOR THAT PURPOSE.**

|                          |  |
|--------------------------|--|
| Dated September 26, 2002 | FIRST AMERICAN TITLE INSURANCE COMPANY, AS TRUSTEE<br>BY: QUALITY LOAN SERVICE CORPORATION, AS AGENT<br> |
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STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

This instrument was acknowledged before me on 9/26/2002 by ALBERTO PONCE of QUALITY LOAN SERVICE CORPORATION on behalf of the corporation.



  
JENNIFER A. BASOM, Notary Public

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EXHIBIT "A"

A piece or parcel of land situate in the NE 1/4 NW 1/4 of Section 5, Township 41 South, Range 11 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at a point on the Southerly right of way line of Andersen Road from which point a railroad spike marking the Northwest corner of Section 5, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, bears North 30.0 feet and South 89 degrees 53' 10" West 2256.16 feet distant; thence North 89 degrees 53' 10" East 390.34 feet, more or less, along said Southerly right of way line to a point on the North-South center line of said Section 5; thence South 112.16 feet along said North-South center line to a point; thence South 76 degrees 42' 30" West 136.70 feet to a point; thence North 81 degrees 00' 30" West 125.00 feet to a point; thence North 60 degrees 23' 00" West 108.27 feet to a point; thence North 29 degrees 39' 20" West 80.28 feet, more or less, to the point of beginning.

CODE 18 MAP 4111-560 TL 400