

'03 NOV 12 PM 2:37

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**NOTICE OF DEFAULT  
AND ELECTION TO SELL**

**RE: Trust Deed from Frederick S Sladek and Christine  
L. Sladek, as tenants by the entirety Grantor**

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

**After recording return to (name, address, zip):  
Standard Trustee Service Company Washington  
2600 Stanwell Drive, Suite 200  
P.O. Box 5070  
Concord, California 94520**

*ATE 58085*

State of Oregon, County of Klamath  
Recorded 11/12/03 2:37 p m  
Vol M03 Pg 83737-48  
Linda Smith, County Clerk  
Fee \$ 36<sup>00</sup> # of Pg 4

TS No: ONMC-059535

Loan No: 2552818/685/SLADEK

Reference is made to that certain trust deed made by Frederick S Sladek and Christine L. Sladek, as tenants by the entirety as grantor, to Amerititle, as trustee, in favor of Mortgage Electronic Registration Systems, Inc., as beneficiary, dated 9/11/2000, recorded 9/21/2000, as Book M00, Page 34660 in the Records of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to wit:

See attached Exhibit A

**Property Commonly Known as:  
35105 Sprague River Road  
Sprague River, OR 97639**

**APN: R-3611-02500-00800-000**

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
7/1/2003		5	7.875	\$1,555.82	\$7,779.10
Total Late Charges:					\$247.84
Beneficiary Advances:					
OTHER					\$15.00
Total Due Beneficiary:					\$8,041.94
Total Foreclosure Fee and Costs:					\$1,513.45
<b>TOTAL REQUIRED TO REINSTATE:</b>					<b>\$9,555.39</b>

Plus all accrued real property taxes, interest and/or penalties until paid.

*36 \**

**Defaults other than payment of money: PROVIDE PROOF THAT REAL ESTATE TAXES ARE PAID IN FULL**

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:

Principal Balance: \$166,703.85, in addition to said principal, interest at the rate provided under the terms of the note or other instrument secured, shall be payable from 6/1/2003 at 7.875%, as well as all Trustee's fees and costs, Attorneys fees and costs, and all foreclosure costs.

**ELECTION TO SELL:** 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 or certified funds 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 together with 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 11:00 AM, in accordance with the standard of time established by ORS 187.110 on 3/25/2004, at the following place: **ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, OR**

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:

<b>Name and Last Known Address</b>	<b>Nature of Right, Lien or Interest</b>
<b>Frederick S Sladek and Christine L Sladek</b>	<b>Trustor / Owner</b>
<b>35105 Sprage River Road</b>	
<b>Sprague River, OR 97639</b>	

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 and/or trustee 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 by beneficiary and/or trustee in enforcing the obligation and trust deed, together with trustee's and attorney fees not exceeding the amounts provided by ORS 86.753.

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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.

Date: November 10, 2003

FIDELITY NATIONAL TITLE INSURANCE COMPANY, as Successor Trustee  
c/o Standard Trustee Service Company Washington  
2600 Stanwell Drive, Suite 200, Concord, CA 94520  
Phone: (925) 603-1000

Peggy Payne  
By: Peggy Payne, Assistant Secretary, as authorized Agent

State of California  
County of Contra Costa

This instrument was acknowledged before me on 11/10/2003 by Peggy Payne of Standard Trustee Service Company Washington, authorized agent of Fidelity National Title Insurance Company

A. Rigby  
A. Rigby, Notary Public



**Exhibit A****PARCEL 1:**

**A parcel of land situated in the SW 1/4 of Section 25, Township 36 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:**

**Beginning at a 5/8" Iron pin marking the Northeast corner of said SW 1/4; thence South 00° 31' 08" West, along the East line of said SW 1/4, 500.00 feet; thence leaving said East line, West 432.72 feet; thence North 501.40 feet to a point on the North line of said SW 1/4; thence South 89° 48' 51" East along said North line 437.25 feet to the point beginning.**

**PARCEL 2:**

**A portion of the E 1/2 SW 1/4, Section 25, Township 36 South, Range 11 East of the Willamette Meridian, lying Northeast of Sprague River Highway, Klamath County, Oregon.**

**EXCEPTING a parcel of land situated in the SW 1/4 of Section 25, Township 36 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:**

**Beginning at a 5/8" Iron pin marking the Northeast corner of said SW 1/4; thence South 00° 31' 08" West, along the East line of said SW 1/4, 500.00 feet; thence leaving said East line, West 432.72 feet; thence North 501.40 feet to a point on the North line of said SW 1/4; thence South 89° 48' 51" East along said North line 437.25 feet to the point of beginning.**