

04 APR 5 AM 10:33

Vol M04 Page 19050

Record and Return to:  
MERIDIAN TRUST DEED SERVICE  
4675 MACARTHUR COURT  
SUITE 1540  
NEWPORT BEACH, CA 92660  
(949) 477-5830  
FIDELITY NATIONAL TITLE INSURANCE COMPANY

State of Oregon, County of Klamath  
Recorded 04/05/2004 10:33 a m  
Vol M04 Pg 19050-53  
Linda Smith, County Clerk  
Fee \$ 36.00 # of Pgs 4

4410131

Aspen 50090

**NOTICE OF DEFAULT AND ELECTION TO SELL**

T.S. No. 83400R

Loan No. 66171100514631/HENTHORNE

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby;

**A. PARTIES IN THE DEED OF TRUST:**

GRANTOR(S): CLARENCE HENTHORNE AND LEAH HENTHORNE

TRUSTEE: AMERITITLE

SUCCESSOR TRUSTEE: FIDELITY NATIONAL TITLE INSURANCE COMPANY

BENEFICIARY: BENEFICIAL OREGON INC. d/b/a BENEFICIAL MORTGAGE CO.

**B. DESCRIPTION OF PROPERTY:**

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

Property commonly known as: 215 JUDA JIM CHILOQUIN, OR 97624

**C. TRUST DEED INFORMATION:**

DATED DATE: 11/19/1999

RECORDING DATE: 12/08/1999

RECORDING NUMBER: Book: M99 Page: 48433

RERECORDED ON:

RECORDING PLACE: Official records of 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 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).

**D. DEFAULT:** The Debtor(s) are in default and the Beneficiary elects to foreclose the Trust Deed for failure to pay:

**1. MONTHLY PAYMENTS:**

Monthly installments and late charges from 12/09/2003 plus all subsequent installments and late charges,

TOTAL PAYMENTS & LATE CHARGES

\$2,888.00

360

EXHIBIT "A"

**PARCEL 1:** Lots 1 and 2 in Block 2 of FIRST ADDITION TO CHILOQUIN, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 2:** Lot 3 and the East 1/2 of Lot 4 in Block 2 of FIRST ADDITION TO CHILOQUIN, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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2. Other Arrearages: \$35.66
3. **TOTAL AMOUNT DUE:** \$2,923.66

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

- E. AMOUNT DUE: The beneficiary has declared all sums owing on the obligation and Trust Deed immediately due and payable, said sums being:

Principal Balance: \$86,012.53

In addition to said principal, interest at the rate provided in the Note or other instrument secured, shall be payable from 11/09/2003 at 12.247%, late charges as well as Trustee's fees and foreclosure costs, Attorneys fees and costs, and advances arising from the Beneficiary's protection of its security and preservation of the property may accrue after the date of this notice.

F. ELECTION TO SELL: NOTICE IS HEREBY GIVEN That the Beneficiary and Trustee, by reason of said default have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes Sections 86.705 et. seq., 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 the Debtor(s) had, or had the power to convey, at the time of the execution of the Trust Deed together with any interest the Grantor or successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of the sale, including the compensations of the Trustee as provided by law, and the reasonable fees of the Trustee's Attorney.

G. TIME AND PLACE OF SALE:

TIME : 10:00 A.M. Friday, 08/20/2004

PLACE: AT THE MAIN ENTRANCE KLAMATH COUNTY COURTHOUSE KLAMATH FALL, OR

Other than as shown of record, neither the said beneficiary nor the said 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 the grantor or of any lessee or other person in possession of or occupying the property, except:

CLARENCE HENTHORNE AND LEAH HENTHORNE  
215 JUDA JIM CHILOQUIN, OR 97624

- H. RIGHT TO REINSTATE: NOTICE IS FURTHER GIVEN That at any time prior to five days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the 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 said sums or tendering the performance necessary to cure the default, by paying all costs and expenses to the Trustee 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 singular gender includes the plural, the word "Grantor" includes any successor in

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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.

FOR TRUSTEE SALE INFORMATION PLEASE CALL (714) 480-5690

\*\*\*\*This office is attempting to collect a debt and any informatin obtained will be used for that purpose.\*\*\*\*

Dated: April 1, 2004

FIDELITY NATIONAL TITLE INSURANCE  
COMPANY, SUCCESSOR TRUSTEE

Address for Trustee:  
Fidelity National Title Insurance company  
c/o Meridian Trust Deed Service  
4675 MacArthur Court Suite 1540  
Newport Beach, CA 92660  
949-477-5830

Andy Fragassi  
By: ANDY FRAGASSI  
It's: VICE PRESIDENT

STATE OF OREGON CA  
COUNTY OF Orange

This instrument was acknowledged before me on 4-2-04, by ANDY FRAGASSI as VICE  
PRESIDENT  
of Fidelity National Title

Carmela Drisdale  
NOTARY PUBLIC FOR OREGON CA  
MY COMMISSION EXPIRES: 5/10/07

