

04 APR 14 PM 2:53

Vol M04 Page 21911

RECORDING REQUESTED BY:

State of Oregon, County of Klamath
Recorded 04/14/2004 2:53 p m
Vol M04 Pg 21911-13
Linda Smith, County Clerk
Fee \$ 31 # of Pgs 3

AND WHEN RECORDED MAIL TO:

First American Title Insurance Company
C/o FORECLOSURELINK, INC.
5006 Sunrise Blvd., Suite 200
Fair Oaks, CA 95628

1st 363657

NOTICE OF DEFAULT AND ELECTION TO SELL

T.S. NO.: fc13182-5

LOAN NO.: 1003229687 TITLE NO.: 2221723

Reference is made to that certain Trust Deed made by Melvin Lee Chiloquin, as Grantor to Amerititle, as Trustee, in favor of IndyMac Bank, F.S.B., as Beneficiary, dated 04/23/2003 and Recorded on 04/29/2003 in Vol M03, Page 27884, in book/reel/volume No. ---, at page ---, in records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit:

See Exhibit A Attached for Legal Description

ACCOUNT NO.: R447902

Property Address: 1526 Etna Street, Klamath Falls, OR 97603

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).

There is a default by the Grantor or other person, or by their successor in interest, 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: monthly payments of \$463.22 beginning 12/01/2003, together with title expenses, costs, trustee's fees and attorney's 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.

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, to wit:

Principal balance of \$49,711.61 with interest thereon at the rate of 6.250% per annum from 11/01/2003, together with any late charge(s), delinquent taxes, insurance premiums, impounds and advances; senior liens and encumbrances which are delinquent or become delinquent, together with title expense, costs, trustee's fees and any attorney's fees and court costs, and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

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NOTICE OF DEFAULT AND ELECTION TO SELL**T.S. NO.: fc13182-5 LOAN NO.: 1003229687 Title: 2221723**

Notice hereby is 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 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 Grantor 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 10:00AM in accord with the standard of time established by O.R.S. 187.110 on 08/30/2004 at the following location: AT THE MAIN ENTRANCE TO THE COUNTY COURTHOUSE, 316 MAIN ST., KLAMATH FALLS, OR, which is the hour, date and place set for said sale.

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.

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 singular gender includes the 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: April 12, 2004

First American Title Insurance Company, TRUSTEE



Name/Title: **MARIA DELATORRE, ASST SEC**

DIRECT INQUIRIES TO: IndyMac Bank, F.S.B., c/o ForeclosureLink, Inc.
5006 Sunrise Blvd., #200, Fair Oaks, CA 95628 (916) 962-3453

STATE OF CA
COUNTY OF Orange

On 4/13/04 before me, the undersigned, Notary Public in and for said state, personally appeared MARIA DELATORRE, ASST SEC personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

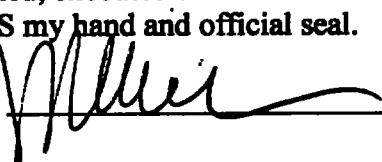
Signature 



EXHIBIT "A"
LEGAL DESCRIPTION

Tract 10, GARDEN TRACTS, according to the official plat thereof on file in the office of the county Clerk of Klamath County, Oregon, EXCEPTING THEREFROM the Southerly 2 feet of the Easterly 100 feet.

ALSO EXCEPTING THEREFROM: Beginning at a point on the West line of Etna Street, said point being North 2 feet from the Southeast corner of said Tract 10, thence continuing North along said West line 73, feet thence West 75 feet, thence South 73 feet to a point lying North 2 feet from the South line of said Tract 10, thence East 75 feet to the point of beginning, with bearings based on Minor partition 81-19, as filed in the office of the County Engineer of Klamath County, Oregon.
