

04 MAY 24 PM 2:29

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1st 386230

OREGON NOTICE OF DEFAULT AND ELECTION TO SELL

After recording return to:

T.D. SERVICE COMPANY, WASHINGTON
1820 E. First Street, #210
Santa Ana, CA 92705
(800) 843-0260

RE: Loan #: 4047395
Title #: 386230/1953096
TD #: 02-11514
State of Oregon, County of Klamath
Recorded 05/24/2004 2:29 p.m.
Vol M04 Pg 32734-35
Linda Smith, County Clerk
Fee \$ 26.00 # of Pgs 2

Reference is made to that certain trust deed made by KAY I. GIBB

TO AMERITITLE

, as grantor,

in favor of WILMINGTON FINANCE, INC.

, as trustee,

dated NOVEMBER 07, 2002

, recorded NOVEMBER 13, 2002

, as beneficiary,

mortgage records of KLAMATH

, in the

volume NO. M02

at page 65810-24

County, Oregon, in book / reel /

covering the following described property situated in said county and state, to wit:

LOT 10 IN BLOCK 12 OF HOT SPRINGS ADDITION TO THE CITY OF KLAMATH FALLS. ACCORDING TO
THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH
COUNTY, OREGON.

MORE COMMONLY KNOWN AS: 1152 CRESCENT AVENUE, KLAMATH FALLS, OR 97601

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 mortgage records of the county or counties in which the above described real property is situated; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said deed of trust, or, if such action has been instituted, such action has been dismissed.

There is a default by the grantor or other person 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:

4 Late Charge(s) of \$27.94 from 02/16/04	111.76
4 Payments of \$640.11 from 02/01/04	2,560.44
RECOVERABLE CORP. ADVANCE	19.70
ACCRUED LATE FEES	27.94
SUB-TOTAL OF AMOUNTS IN ARREARS:	2,719.84

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said deed of trust immediately due and payable, said sums being the following, to wit: Principal \$ 79,197.03, together with interest as provided in the note or other instrument secured from the 1st day of JANUARY, 2004 and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

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 Oregon Revised Statutes Sections 86.705 to 86.785, 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 the execution by him 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 10:00 AM, Standard Time as established by section 187.110 of Oregon Revised Statutes on OCTOBER 8, 2004

At the following place: MAIN STREET ENTRANCE, 316 MAIN STREET, KLAMATH CO. COURTHOUSE
KLAMATH FALLS

County of KLAMATH, State of Oregon.

Other than as shown of record, neither the said beneficiary or the said trustee has any actual notice of any person having or claim 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: or occupying the property except:

NAME AND LAST KNOWN ADDRESS NATURE OF RIGHT, LEIN OR INTEREST

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right at any time prior to five days before the trustee conducts the sale, to have this foreclosure proceeding dismissed and the trust deed reinstate 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 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 Section 86.753 of Oregon Revised Statutes.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular 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 deed of trust, and the words "trustee" and "beneficiary" include their respective successor in interest, if any.

DATED: MAY 21, 2004

DAVID A. KUBAT, OSBA #84265
(SUCCESSOR TRUSTEE)


BY: 

DIRECT INQUIREIES TO:
T.D. SERVICE COMPANY/FORECLOSURE DEPARTMENT
800 843 0260

STATE OF Washington
COUNTY OF King

On this day personally appeared before me DAVID A. KUBAT OSBA #84265, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 21ST DAY
OF MAY 2004


NOTARY PUBLIC IN AND FOR THE STATE OF Washington
RESIDING AT Seattle
MY COMMISSION EXPIRES: 4-09-07

