

04 JUN 21 10:23

PLEASE COMPLETE THIS INFORMATION.

RECORDING REQUESTED BY.

First American

AND WHEN RECORDED MAIL TO:

I.O. Services #  
1820 E. First Street  
Santa Ana, CA 92705

Vol M04 Page 39655

State of Oregon, County of Klamath  
Recorded 06/21/2004 11:23 a.m.  
Vol M04 Pg 39655-57  
Linda Smith, County Clerk  
Fee \$ 3.00 # of Pgs 3

THIS SPACE FOR RECORDER'S USE ONLY

Notice of Default & Election to Sell  
(Please fill in document title(s) on this line)

Grantor: Rogelio Pena a married Person  
In favor of: U.S. Bank National Association  
Trustee: David A. Kubat, OSBA #84265

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(Additional recording fee applies)

31/

## OREGON NOTICE OF DEFAULT AND ELECTION TO SELL

After recording return to:

RE: Loan #: 4800038824

Title #: 2330277

TD #: 0L-11540

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

133677

Reference is made to that certain trust deed made by ROGELIO PENA A MARRIED PERSON

to FIRST AMERICAN TITLE

, as grantor,

in favor of U.S. BANK NATIONAL ASSOCIATION

, as trustee,

dated DECEMBER 08, 2000

, recorded DECEMBER 08, 2000

, as beneficiary,

mortgage records of KLAMATH

, in the

volume NO. M00

at page 44131

, (fee/file/instrument NO. ---)

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

LOT 24, BLOCK 125, MILLS ADDITION TO THE CITY OF KALMATH FALLS, IN THE COUNTY OF  
 KLAMATH, STATE OF OREGON. MORE COMMONLY KNOWN AS: 2457 ORCHARD WAY - KLAMATH FALLS,  
 OREGON 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 \$23.76 from 03/16/04	95.04
4 Payments of \$475.13 from 03/01/04	1,900.52
SUB-TOTAL OF AMOUNTS IN ARREARS:	1,995.56

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 \$ 47,553.38 , together with interest as provided in the note or other instrument secured from the 1ST day of FEBRUARY , 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 86.795, 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 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 NOVEMBER 5, 2004  
At the following place: MAIN STREET ENTRANCE, 316 MAIN ST - KLAMATH  
CO. COURTHOUSE, KLAMATH FALLS

County of \_\_\_\_\_

, 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: 6-18-04

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

BY: [Signature]

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 18th DAY  
OF June 2004.

[Signature: Dennis E. Roberts]  
NOTARY PUBLIC IN AND FOR THE STATE OF Washington  
RESIDING AT Seattle  
MY COMMISSION EXPIRES: 4-09-07

