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Vol M04 Page 40778

State of Oregon, County of Klamath
Recorded 08/24/2004 10:52 a m
Vol M04 Pg 40778-86
Linda Smith, County Clerk
Fee \$ 3.00 # of Pgs 3

2329152
After recording return to:
Attn: Foreclosure Department
First American Title Insurance Company
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065

409547
NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain Trust Deed made by RAYMOND G MALBY, AND HEIDI L MALBY, AS TENANTS BY THE ENTIRETY, as grantors, to FIDELITY NATIONAL TITLE INSURANCE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC., as Beneficiary, dated 08/18/2003, recorded 08/22/2003, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume Number M03 at Page Number 61847 as Recorder's fee/file/instrument/microfilm/reception Number VOLM03PG61847, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED

PROPERTY ADDRESS: 27830 PETERSTEINER ROAD
BONANZA, OR 97623

There is 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 grantors' failure to pay when due the following sums: monthly payments of \$768.30 beginning 03/01/2004; plus late charges of \$ 38.42 each month beginning 03/01/2004 payment plus prior accrued late charges of \$211.31; plus advances of \$0.00; together with title expense, 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: \$68,932.86 with interest thereon at the rate of 5.375 percent per annum beginning 02/01/2004 plus late charges of \$ 38.42 each month beginning 03/01/2004 until paid; plus prior accrued late charges of \$211.31; plus advances of \$0.00; together with title expense, 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.

NOTICE OF DEFAULT AND ELECTION TO SELL

**RE: Trust Deed from
HEIDI L MALBY and RAYMOND G MALBY,
Grantor**

**To
First American Title Insurance Company,
Trustee TS No. 04 -07615
Doc ID**

#000328472892005N

For Additional Information:

**Please Contact
Foreclosure Department
FIRST AMERICAN TITLE INSURANCE
COMPANY
C/O CTC REAL ESTATE SERVICES
5898 CONDOR DRIVE, MP-88
MOORPARK, CA 93021
(800)-281-8219**

Notice is hereby given that the Beneficiary and Trustee, by reason of said 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 the interest in the described property which the grantor had, or had the power to convey, at the time the grantor executed the Trust Deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by the Trust Deed and the expenses of the sale, including the compensations of the Trustee as provided by law, and reasonable fees of Trustee's attorneys.

CTC Form ORNOD (03/02)

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The sale will be held at the hour of 10:00 AM , in accordance with the standard of time established by ORS 187.110 on Thursday, November 04, 2004, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the city of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

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 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 every other default complained of herein by tendering the performance required under the obligation or Trust Deed, 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 ORS 86.753.

In constructing this notice, 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 Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

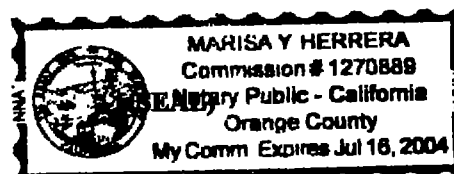
STATE OF CA)
COUNTY OF Glenn) ss.

Maria Delatorre
First American Title Insurance Company
MARIA DELATORRE, ASST SEC

On MARIA DELATORRE, before me, MARISA HERRERA, personally appeared MARIA DELATORRE, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Maria Herrera
Notary Public for _____
My commission expires: _____



THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER IF YOU HAVE OR ARE IN THE PROCESS OF OBTAINING DISCHARGE OF THE DEBT FROM A BANKRUPTCY COURT, THIS DOCUMENT IS NOT AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF LIEN RIGHTS AGAINST THE PROPERTY.

EXHIBIT "A" LEGAL DESCRIPTION

A tract of land situated in the NE1/4 NE1/4 of Section 31, Township 37 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, being Parcel 1 of Major Partition No. 54-82, more particularly described as follows:

Beginning at the NE1/4 corner common to Section 30 and 31 of said township and range; thence South 89 degrees 59' 16" East, along the North line of said section 31, also being along the southerly boundary of Block 2, of Yuma Woods-Tract 1009, a duly recorded subdivision, 346.17 feet to the Southeast corner of Lot 11, Block 2 of said Tract 1009; thence South 00 degrees 34' 53" East, parallel to the West line of said NE1/4 NE1/4, 629.17 feet; thence North 89 degrees 59' 16" West 346.17 feet to said West line; thence North 00 degrees 34' 53" West 629.17 feet to the point of beginning, with bearings based on said Tract 1009 (also being the bearings of said Partition No. 54-82).

TOGETHER WITH an easement 30 feet in width for ingress and egress across Lot 11, Block 2 of Tract 1009 YUMA WOODS, Klamath County, Oregon, as shown on Major Partition 54-82 and as created by Contract dated August 20, 1976, recorded September 9, 1976 in Volume N76, Page 14126, Microfilm Records of Klamath County, Oregon, the centerline of said easement being described as follows:

Beginning at a point on the South right of way line of Rockwell Drive, said point being on the North line of Lot 11, Block 2 of TRACT 1009 YUMA WOODS, according to the official plat thereof, from which the Northeast corner of said Lot 11 bears East 150.00 feet; thence South 11 degrees 22' 28" West 642.27 feet to a point on the South line of said Lot 11 from which the Southeast corner of said Lot 11 bears South 89 degrees 59' 16" East 270.50 feet; with the sidelines of said strip to be lengthened or shortened to terminate at the South right of way line of Rockwell Drive and the South line of Lot 11; with bearings based on TRACT 1009 YUMA WOODS.