

04 SEP 13 PM 2:46

Aspen: 59936
**NOTICE OF DEFAULT
AND ELECTION TO SELL**

RE: Trust Deed from Kenneth D. Kern and Cindy A. Kern, as tenants by the entirety Grantor

**To Fidelity National Title Insurance Company
Successor Trustee**

After recording return to (name, address, zip):
**Standard Trustee Service Company Washington
2600 Stanwell Drive, Suite 200
P.O. Box 5070
Concord, California 94520**

Vol M04 Page 60873

State of Oregon, County of Klamath
Recorded 09/13/04 *2:46 p* m
Vol M04 Pg *60873-71*
Linda Smith, County Clerk
Fee \$ *26.00* # of Pgs *2*

TS No: **ONMC-061105**

Loan No: **4949356/591/KERN**

Reference is made to that certain trust deed made by Kenneth D. Kern and Cindy A. Kern, as tenants by the entirety as grantor, to Forrest Bacci, Esq., as trustee, in favor of Norwest Mortgage, Inc., as beneficiary, dated 1/20/1999, recorded 1/27/1999, as Instrument No. , Book M99, Page 3092 in the Records of Klamath County, Oregon, and that Assignment to Home Loan Mortgage Trust 1999-A which recorded on 6/27/2000 in Book M00 at Page 23220, covering the following described real property situated in the above-mentioned county and state, to wit:

Tract No.
Lot 29, Yalta Gardens in the County of Klamath, State of Oregon.

**Property Commonly Known as:
1828 KANE STREET
KLAMATH FALLS, OR 97603**

APN: R-3909-002AB-04900

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 the debt, or any part thereof, now remaining secured by the trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by grantor or other person owing an obligation, performance of which is secured by the trust deed, or by the successor in interest, with respect to provisions therein which authorize sale in the event of such provision. The default for which foreclosure is made is grantor's failure to pay when due the following sums:

Delinquent Payments:

<u>FROM</u>	<u>THRU</u>	<u>NO. PMT.</u>	<u>RATE (%)</u>	<u>AMOUNT</u>	<u>TOTAL</u>
6/1/2004		4	10.5	\$786.50	\$3,146.00
Total Late Charges:					\$100.86
Beneficiary Advances:					
Other					\$40.00
Total Due Beneficiary:					<u>\$3,286.86</u>
Total Foreclosure Fee and Costs:					\$1,232.57
TOTAL REQUIRED TO REINSTATE:					<u>\$4,519.43</u>

26X

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

Defaults other than payment of money:

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to- wit:

Principal Balance: \$71,058.45, in addition to said principal, interest at the rate provided under the terms of the note or other instrument secured, shall be payable from 5/1/2004 at 10.5%, as well as all Trustee's fees and costs, Attorneys fees and costs, and all foreclosure costs.

ELECTION TO SELL: Notice hereby is given that the beneficiary and trustee, by reason of 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 or certified funds the interest in the described property which grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed together with the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

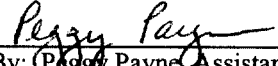
The Sale will be held at the hour of **11:00 AM**, in accordance with the standard of time established by ORS 187.110 on **1/27/2005**, at the following place: **ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, OR**

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 and/or 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 the sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred by beneficiary and/or trustee in enforcing the obligation and trust deed, together with trustee's and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to this grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

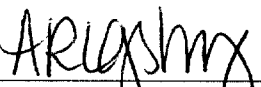
Date: September 09, 2004

FIDELITY NATIONAL TITLE INSURANCE COMPANY, as Successor Trustee
c/o Standard Trustee Service Company Washington
2600 Stanwell Drive, Suite 200, Concord, CA 94520
Phone: (925) 603-1000


By: ~~Peggy~~ Payne, Assistant Secretary, as authorized Agent

State of California
County of Contra Costa

This instrument was acknowledged before me on 9/9/2004 by Peggy Payne of Standard Trustee Service Company Washington, authorized agent of Fidelity National Title Insurance Company


A. Rigsby, Notary Public

