

04 OCT 14 PM 12:15

Vol M04 Page 69855

2496518
After recording return to:
Attn: Foreclosure Department
FIRST AMERICAN TITLE - OR (NEW)
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065

State of Oregon, County of Klamath
Recorded 10/14/04 12:16 p m
Vol M04 Pg 69855-57
Linda Smith, County Clerk
Fee \$ 37.00 # of Pgs 3

1st 466328
NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain Trust Deed made by MICHAEL A PRESLEY AND MELISSA PRESLEY, HUSBAND AND WIFE, as grantors, to LUCY E. KIVEL, ATTORNEY, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 04/23/2003, recorded 10/21/2003, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume Number M03 at Page Number 78142 as Recorder's fee/file/instrument/microfilm/reception Number -, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED

PROPERTY ADDRESS: 11812 MALLORY STREET
KLAMATH FALLS, OR 97603

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 \$773.85 beginning 07/01/2004; plus late charges of \$ 31.44 each month beginning 07/01/2004 payment plus prior accrued late charges of \$125.76; plus advances of \$ 25.00; 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: \$93,456.78 with interest thereon at the rate of 7 percent per annum beginning 06/01/2004 plus late charges of \$ 31.44 each month beginning 07/01/2004 until paid; plus prior accrued late charges of \$125.76; plus advances of \$ 25.00; 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 | |
| MICHAEL A PRESLEY and MELISSA PRESLEY, | |
| Grantor | |
| To | |
| FIRST AMERICAN TITLE - OR (NEW), | TS No. 04 -12540 |
| Trustee | Doc ID |
| #000304825602005N | |

For Additional Information:
Please Contact
Foreclosure Department
FIRST AMERICAN TITLE - OR (NEW)
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.

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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 Wednesday, February 23, 2005, 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 Calif)
) ss.
COUNTY OF Orange)
On 10/13/04, before me, Maria De La Torre, personally appeared DENNIS CANLAS, 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.

FIRST AMERICAN TITLE - OR (NEW)

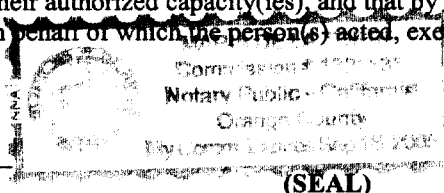
DENNIS CANLAS, Assistant Secretary

WITNESS my hand and official seal.

Maria De La Torre

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.

LEGAL DESCRIPTION EXHIBIT A

A TRACT OF LAND SITUATED IN THE N 1/2 SE 1/4 OF SECTION 9, TOWNSHIP 39 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF KLAMATH, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 9; THENCE SOUTH 0 DEGREES 08' WEST A DISTANCE OF 608.25 FEET; THENCE NORTH 89 DEGREES 52' WEST A DISTANCE OF 1323.7 FEET; THENCE NORTH 0 DEGREES 08' EAST A DISTANCE OF 577.07 FEET TO AN IRON PIN ON THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 55' EAST A DISTANCE OF 211.3 FEET TO AN IRON PIN; THENCE SOUTH 0 DEGREES 08' WEST A DISTANCE OF 164.9 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 55' WEST A DISTANCE OF 211.3 FEET TO AN IRON PIN; THENCE NORTH 0 DEGREES 08' EAST A DISTANCE OF 164.9 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.