

05 APR 5 AM 11:22

Aspen 6235

**NOTICE OF DEFAULT  
AND ELECTION TO SELL**

RE: Trust Deed from Christopher D. Cook 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

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State of Oregon, County of Klamath

Recorded 04/05/2005 11:22 A m

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Linda Smith, County Clerk

Fee \$ 31.00 # of Pgs 3

TS No: OSCF-061994

Loan No: 940-2-709433255/Cook

Reference is made to that certain trust deed made by Christopher D. Cook as grantor, to Terrence Hammons - Hammons & Mills, Attorneys, as trustee, in favor of Discover Bank, as beneficiary, dated 10/26/2002, recorded 1/29/2003, Book M03, Page 05506 in the Records of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to wit:

The portion of the E 1/2 of 1/2 of SE 1/4 of Sec. 2 TWP 39S. R.9 E.W.M. described as follows: Beginning at a point on the Southline of Southeast Quarter of the Northwest Quarter of said Section 2, which point is North 88 Degrees 57 Minutes East 330.02 feet from the Southwest corner of said Southeast quarter of Northwest quarter;

Thence North 10 Degrees 35 Minutes West 663.80 feet along the East line of said East Half of West Half of West Half of Southwest Quarter of Northwest Quarter of said section to a point, which is the true point of beginning of this description;

Thence continuing Northerly along the East line of said East half of the West half of Southeast Quarter of Northwest quarter of said section a distance of 75 feet to a point;

Thence South 89 Degrees 25 Minutes West a distance of 135 feet to a Point;

Thence-Southerly 0 Degrees 35 Minutes East 75 Seconds to a point;

Thence North 89 Degrees 25 Minutes East 135 Feet to the true point of beginning of this description.

Property Commonly Known as:

APN: R517916

2129 Gettle St

Klamath Falls, OR 97603

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:**

FROM	THRU	NO. PMT.	RATE ( % )	AMOUNT	TOTAL
12/1/2004	12/31/2004	1	7.75	\$101.85	\$101.85
1/1/2005	1/31/2005	1	7.75	\$166.09	\$166.09
2/1/2005	2/28/2005	1	7.75	\$172.12	\$172.12
3/1/2005		2	7.75	\$161.18	\$322.36

3/1/05 A [Signature]

Total Late Charges:	\$0.00
Beneficiary Advances:	
Advance to Safeguard 8/04	\$30.00
Advance to USA Valuation 2/05	\$150.00
Total Due Beneficiary:	\$942.42
Total Foreclosure Fee and Costs:	\$1,524.38
<b>TOTAL REQUIRED TO REINSTATE:</b>	<b>\$2,466.80</b>

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

Defaults other than payment of money:

Must provide proof that senior encumbrances are paid current. Must provide proof that real estate taxes are paid current. Must provide proof of paid and current insurance. Must provide proof of paid Homowner's dues (if applicable).

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: \$28,013.23, in addition to said principal, interest at the rate provided under the terms of the note or other instrument secured, shall be payable from 10/16/2004 at 7.75%, 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 **8/22/2005**, 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.

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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: April 04, 2005

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

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

State of California  
County of Contra Costa

This instrument was acknowledged before me on 4/4/2005 by Peggy Payne of Standard Trustee Service Company Washington, authorized agent of Fidelity National Title Insurance Company

Autumn R. Skerski  
Autumn R. Skerski, Notary Public

