

05 MAY 19 AM 11:50

Vol M05 Page 36558

AFTER RECORDING RETURN TO:

CAL-WESTERN RECONVEYANCE CORPORATION  
525 EAST MAIN STREET  
P.O. BOX 22004  
EL CAJON CA 92022-9004  
(619)590-9200

State of Oregon, County of Klamath  
Recorded 05/19/05 11:52 a m  
Vol M05 Pg 36 558-61  
Linda Smith, County Clerk  
Fee \$ 36.00 # of Pgs 4

1st 583335

(Recorder's Use)

## NOTICE OF DEFAULT AND ELECTION TO SELL

Loan No.: 0436582050

T.S. No.: 1075804-09

Reference is made to that certain trust deed made by  
VINCENT CLARKE AND RHONDA CLARKE, AS TENANTS BY THE ENTIRETY  
as grantor,  
to AMERICA WEST TITLE  
as trustee,  
in favor of HOMEOWNERS LOAN CORPORATION  
as beneficiary, dated August 29, 2003, recorded November 03, 2003, in the official records of KLAMATH County,  
Oregon, in book/reel/volume No. M03 \* at page 81674, fee/file/instrument/microfilm/reception No. XX (indicate  
which), covering the following described real property situated in said County and State, to-wit:  
BEGINNING AT A POINT 30 FEET SOUTH OF THE CENTER OF SECTION 7, TOWNSHIP 39 SOUTH,  
RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH, OREGON; THENCE WEST ALONG THE  
SOUTH SIDE OF BOOTH ROAD \*DEED RE-RECORDED 11/14/2003 BOOK:M03 PAGE:84365 MORE  
COMPLETELY DESCRIBED IN ATTACHED EXHIBIT A.

### CAL-WESTERN RECONVEYANCE CORPORATION

as Trustee, 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, suit or proceeding has been  
instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action or  
proceeding has been instituted, such action or proceeding has been dismissed except an action to appoint a receiver  
pursuant to ORS 86.010, or the foreclosure of another trust deed, mortgage, security agreement or other consensual or  
nonconsensual security interest or lien securing repayment of this debt.

There is a default by the grantor or other person owing an obligation, or by their successor-in-interest, the  
performance of which is secured by said trust deed 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:

30F

**NOTICE OF DEFAULT AND ELECTION TO SELL**

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Failure to pay the monthly payment due February 4, 2005 of principal, interest and impounds and subsequent installments due thereafter; plus late charges; together with all subsequent sums advanced by beneficiary pursuant to the terms and conditions of said deed of trust.

Monthly Payment: \$818.07 Monthly Late Charge: \$33.19

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

The principal sum of \$83,191.00 together with interest thereon at the rate of the rate of 8.800% per annum, from January 04, 2005 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

Notice is hereby 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 funds 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 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 1:00pm, Standard of Time as established by Section 187.110 of Oregon Revised Statutes on September 27, 2005 at the following place:

**AT THE MAIN STREET ENTRANCE TO 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 fixed by the trustee for said sale.

Other than as shown of record neither the said beneficiary nor the said trustee has any actual notice of any person having or claiming 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 persons in possession of or occupying the property:

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with costs, trustee's and attorney's fee by curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

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 persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

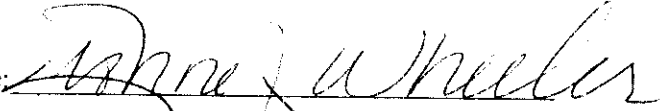
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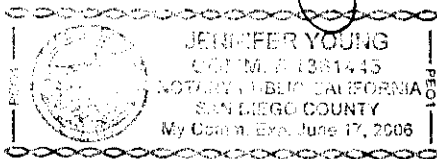
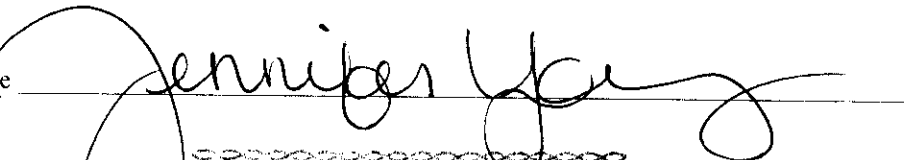
By/Signature:

  
Yvonne J. Wheeler A.V.P.

May 16, 2005

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO } SSOn 5-16-05 before me, the undersigned, a Notary Public in and for said State,  
personally appearedYvonne J. Wheeler A.V.P. 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.

Signature



## EXHIBIT "A"

BEGINNING at a point 30 feet South of the center of Section 7, Township <sup>39</sup>58 South, Range 10 East of the Willamette Meridian, Klamath County Oregon: thence West along the South side of Booth Road, 1042.29 feet, more or less, to a ½ inch rebar with plastic cap stamped LS 1289; and the True Point of Beginning; thence leaving said road and bearing South, 220 feet to a ½ inch rebar with LS 1289; thence West parallel to said road, 400.00 feet, more or less, to the Easterly sideline of that tract of land described in Deed recorded in Volume 74, page 637, Deed Records for Klamath County, Oregon, in which M.E. and O.B. Cornett were grantees; thence North along said Easterly sideline to the South margin of Booth Road; thence Easterly, along said margin to the True Point of Beginning.