

M05-61931

08/15/2005 11:55:57 AM

Of Pages 3 Fee: \$31.00

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

**RE: Trust Deed from JERRY PETERSON AND
MITZI L. LIZOTTE, HUSBAND AND WIFE
Grantor**

SPACE RESERVED
FOR
RECORDER'S USE

**To FIRST AMERICAN TITLE INSURANCE
COMPANY Successor Trustee**

After recording return to(name, address, zip):
**EXECUTIVE TRUSTEE SERVICES, INC.
15455 SAN FERNANDO MISSION BLVD
SUITE #208
MISSION HILLS, CA 91345**

(818) 837-2300

1st 651896

TS No: **OR-81105-C**

Loan No: **0415369917**

Reference is made to that certain trust deed made by JERRY PETERSON AND MITZI L. LIZOTTE, HUSBAND AND WIFE as grantor, to ASPEN TITLE & ESCROW, INC., as trustee in favor of "MERS" MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR LENDER HOMECOMINGS FINANCIAL NETWORK, INC., as beneficiary, dated 12/26/2002, recorded 1/2/2003, in the Records of KLAMATH County, Oregon, in book M03 at page 00211, and/or as fee/file/instrument/microfilm/reception No. (indicate which), covering the following described real property situated in the above-mentioned county and state, to wit:

**APN: R137499
SEE ATTACHED EXHIBIT "A"**

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>
6/1/2005	8/9/2005	3	5.5	\$848.35	\$2,545.05
Total Late Charges:					\$66.30
Beneficiary Advances					
SUSPENSE BALANCE					-\$456.26
MISCELLANEOUS FEES					\$15.00
					<u>\$2,170.09</u>

TOTAL FORECLOSURE COST: \$2,244.66

TOTAL REQUIRED TO REINSTATE: \$4,414.75

31F

TS No :OR-81105-C

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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:

UNPAID PRINCIPAL BALANCE OF \$112,917.28; PLUS ACCRUED INTEREST PLUS IMPOUNDS AND / OR ADVANCES WHICH BECAME DUE ON 6/1/2005 PLUS LATE CHARGES, AND ALL SUBSEQUENT INSTALLMENTS OF PRINCIPAL, INTEREST, BALLOON PAYMENTS, PLUS IMPOUNDS AND/OR ADVANCES AND LATE CHARGES THAT BECOME PAYABLE.

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 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 and 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 **10:00 AM**, in accord with the standard of time established by ORS 187.110 on **12/29/2005**, at the following place: **ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH, OREGON**

County of KLAMATH, State of Oregon, which is the hour, date and place last set for sale.

Other than as shown of record, neither the beneficiary nor the 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 grantor or of any lessee or other person in possession of or occupying the property, except:

Name and Last Known Address

Nature of Right, Lien or Interest

JERRY PETERSON AND MITZI L. LIZOTTE

PO BOX 1760
LA PINE, OR 97739

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 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 in enforcing the obligation and trust deed, together with trustee's and attorney fees not exceeding the amounts provided by ORS 86.753.

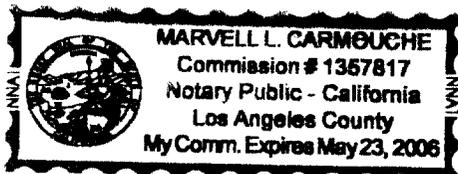
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to this grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective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

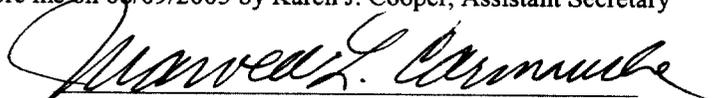
Dated August 9, 2005


FIRST AMERICAN TITLE INSURANCE COMPANY
Successor Trustee

STATE OF CALIFORNIA, County of LOS ANGELES

This instrument was acknowledged before me on 08/09/2005 by Karen J. Cooper, Assistant Secretary




Marvell L. Carmouche, Notary Public

OR-81105-C

Exhibit A

PARCEL 1:

A parcel of land situated in the W 1/2 of the SE 1/4 of Section 27, Township 23 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, and being more particularly described as follows:

Beginning at the South quarter corner of said Section 27; thence North 89° 46' 39" East 662.79 feet to the true point of beginning; thence North 00° 17' 12" West 329.89 feet; thence East 662.39 feet; thence South 00° 21' 21" East 327.33 feet; thence South 89° 46' 39" West 662.79 feet to the point of beginning. (Bearings based on Survey #1829, filed with the Klamath County Engineer's Office).

PARCEL 2:

A parcel of land situated in the W 1/2 of the SE 1/4 of Section 27, Township 23 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, and being more particularly described as follows:

Beginning at the South quarter corner of said Section 27; thence North 89° 46' 39" East 662.79 feet; thence North 00° 17' 12" West 329.89 feet to the true point of beginning; thence North 00° 17' 12" West 328.90 feet; thence East 661.99 feet; thence South 00° 21' 21" East 328.91 feet; thence West 662.39 feet to the point of beginning. (Bearings based on Survey #1829, filed with the Klamath County Engineer's Office).

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