M05-71438

Klamath County, Oregon
12/20/2005 11:27:01 AM
Pages 3   Fee: $31.00

Recording requested by:

When recorded mail to:

**Fidelity National Title Insurance Company
C/O Premier Trust Deed Services, Inc.
6501 Irvine Center Drive, Mail Stop DA-AM
Irvine, CA 92618**

Space above this line for recorder's use only

T.S. No. **05-24850-OR**   Title Order No. **5410306**

Notice of Default and Election to Sell
Pursuant to O.R.S 86.705 et seq. and O.R.S. 79.5010, et seq.

Reference is made to that certain Trust Deed made by **STANLEY A. SLEEPER, AN ESTATE IN FEE SIMPLE** as Grantor, in which **H&R BLOCK MORTGAGE CORPORATION, A MASSACHUSETTS CORPORATION** is named as Beneficiary and **FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON** as Trustee, dated **11/24/2004** and recorded **12/08/2004**, as Instrument Number , Book **M04**, Page **84255** in Official Records of **Klamath Falls** County, **Oregon;** covering the following described real property situated in said county and state, to-wit:

LOT 1 IN BLOCK 2 OF CHIA PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON

The street address or other common designation, if any, of the real property described above is purported to be:

2637 CHANTAL AVENUE, KLAMATH FALLS, Oregon 97601

The undersigned trustee, **Fidelity National Title Insurance Company,** 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 situate; further, that no action has been instituted to recover debt, or any part thereof, now remaining secured by the said Trust Deed, or, if such action has been instituted, such action has been dismissed except as permitted by O.R.S. 86.735 (4).

There is a default by the Grantor or other person 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 Grantor's failure to pay when due the following sums:

'Total payments from 8/1/2005 through 12/14/2005	$3,763.40
Total late charges	$150.52
Total advances	$37.37
TOTAL DUE THE BENEFICIARY	$3,951.29

TOGETHER WITH ANY DEFAULT IN THE PAYMENT OF RECURRING OBLIGATIONS AS THEY BECOME DUE.

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:

The unpaid principal balance of $111,358.61 together with interest thereon at the current rate of 7.1 per cent (%) per annum from 07/01/2005 until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

Notice hereby is given that the beneficiary and trustee, **Fidelity National Title Insurance Company**, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to O.R.S. 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the said described property which the Grantor had, or had the power to convey, at the time of execution by him of the Trust Deed, together with any interest the Grantor or his successors in interest acquired after the 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 **10:00 A.M.** in accord with the standard of time established by O.R.S. 187.110 on **04/27/2006** at the following place:

On the front steps of the Circuit Court, 316 Main St, in the City of Klamath Falls, County of Klamath, OR

County of **Klamath Falls**, State of **Oregon**, which is the hour, date and place set for said sale.

Notice is further given that any person named in O.R.S. 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 of Trust Deed, and 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 said O.R.S. 86.753.

'n construing this notice, the masculine gender includes the feminine and the neuter, the singular includes 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.
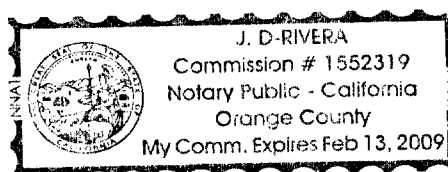
Dated: **12/14/2005**

Fidelity National Title Insurance Company by
Premier Trust Deed Services, as agent

By _____
Kim Thorne, Assistant Secretary

State of California}
County of Orange} ss.

On <u>December 14, 2005</u>, I certify that I know or have satisfactory evidence that Kim Thorne is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

_____
J. D-Rivera, Notary Public
My Commission Expires ___2/13/09___

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              J. D-RIVERA
         Commission # 1552319
        Notary Public - California
              Orange County
      My Comm. Expires Feb 13, 2009
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For further information please contact:

Fidelity National Title Insurance Company
C/O Premier Trust Deed Services, Inc.
6501 Irvine Center Drive, Mail Stop DA-AM
Irvine, CA 92618
(949) 784-6173

THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.