

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

**RE: Trust Deed from DAVID L. NEESE AND
KATHY L. NEESE, HUSBAND AND WIFE
Grantor**

**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

TS No: **EQ-85801-C**

M06-02641

Klamath County, Oregon

02/10/2006 11:58:36 AM

Pages 3 Fee: \$31.00

1st 760214

Loan No: **8129303447**

Reference is made to that certain trust deed made by DAVID L. NEESE AND KATHY L. NEESE, HUSBAND AND WIFE as grantor, to KEY TITLE CO., as trustee in favor of "MERS" MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR LENDER GMAC MORTGAGE CORPORATION DBA DITECH.COM, as beneficiary, dated 6/11/2004, recorded 7/9/2004, in the Records of Klamath County, Oregon, in book M04 at page 44906, 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: R587458

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>
11/1/2005	2/7/2006	4	7.625	\$329.75	\$1,319.00
Total Late Charges:					\$49.44
Beneficiary Advances					
MISCELLANEOUS FEES					\$100.00
					<u>\$1,468.44</u>
TOTAL FORECLOSURE COST:					<u>\$1,994.06</u>
TOTAL REQUIRED TO REINSTATE:					<u>\$3,462.50</u>

31F

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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 \$33,645.95; PLUS ACCRUED INTEREST PLUS IMPOUNDS AND / OR ADVANCES WHICH BECAME DUE ON 11/1/2005 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 **6/27/2006**, 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

DAVID L NEESE and KATHY L. NEESE

5491 LOMBARDY LANE
KLAMATH FALLS, OR 97603

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.

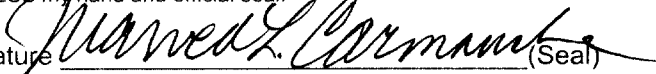
Dated February 07, 2006


FIRST AMERICAN TITLE INSURANCE COMPANY
Successor Trustee

State of California) ss.
County of Los Angeles)

On February 07, 2006 before me, Marvell L. Carmouche Notary Public, personally appeared Karen J. Cooper 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  (Seal)
Marvell L. Carmouche



EQ-85801-C

EXHIBIT A

ALL THAT PORTION OF TRACT 2 OF 400 SUBDIVISION, LYING
SOUTHERLY AND WESTERLY OF THE RIGHT OF WAY OF THE NO. 1-B-1A,
DRAIN OF KLAMATH PROJECT, ACCORDING TO THE OFFICIAL PLAT
THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH
COUNTY, OREGON.

Permanent Parcel Number: R587458
DAVID L. NEESE AND KATHY L. NEESE,
HUSBAND AND WIFE

5491 LOMBARDY LANE, KLAMATH FALLS OR 97603
Loan Reference Number : 2376077/000655035289/NEESE
First American Order No: 5720886
Identifier: ELS