

2006-015902

Klamath County, Oregon



00000615200600159020030035

08/08/2006 10:51:34 AM

Fee: \$31.00

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

**RE: Trust Deed from JOHN M. GRUBB AND
JEANNE ANN GRUBB, HUSBAND AND WIFE
Grantor**

**To FIDELITY NATIONAL TITLE INSURANCE
COMPANY OF OREGON Successor Trustee**

After recording return to(name, address, zip):
**Town and Country
505 City Parkway West Suite 200
Orange, CA 92868**

SPACE RESERVED
FOR
RECORDER'S USE

LSI TITLE, TRUST DIVISION

TS No: T06-22249-OR

6410182

Loan No: 0101922326

Aspen: 63735

Reference is made to that certain trust deed made by JOHN M. GRUBB AND JEANNE ANN GRUBB, HUSBAND AND WIFE as grantor, to FIDELITY NATIONAL TITLE INSURANCE COMPANY OF OREGON as successor trustee, in favor of AMERIQUEST MORTGAGE COMPANY, A CORPORATION, as beneficiary, dated 01-05-2005, recorded 01-14-2005, in the Records of KLAMATH County, Oregon, in book M05 at page 03189, 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: R-3909-012BC-00500-000

THE EASTERLY 15 FEET OF LOT 10, GRACE PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON. ALSO THAT VACATED PORTION OF OXBOW STREET ADJOINING LOT 10 ON THE EAST AS DESCRIBED IN BOOK M-71 AT PAGE 2187, DEED RECORDS OF KLAMATH COUNTY, OREGON, RECORDED MARCH 12, 1971.

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>
04/01/2006	07/31/2006	4	8.650	\$914.44	\$3,657.76

Total Late Charges:	\$182.88
Beneficiary Advances	
LATE CHARGES	\$91.44
BAD CHECK FEES	\$94.44
CORP ADVANCE	\$15.00

\$4,041.52

TOTAL FORECLOSURE COST: \$827.50

TOTAL REQUIRED TO REINSTATE:

\$4,869.02

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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 unpaid principal balance: \$116,315.36

INSTALLMENT OF PRINCIPAL AND INTEREST PLUS IMPOUNDS AND / OR ADVANCES WHICH BECAME DUE ON 04/01/2006 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 **12-15-2006**, 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

**JOHN M. GRUBB AND JEANNE ANN GRUBB,
HUSBAND AND WIFE**

6015 ONYX AVENUE
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 July 31, 2006

FIDELITY NATIONAL TITLE INSURANCE
COMPANY OF OREGON BY Town and Country AS
AGENT TO THE TRUSTEE

505 CITY PARKWAY WEST, SUITE 200
ORANGE, CA.
PHONE (888)485-9191
REINSTATEMENT LINE 714-634-2474 EXT 38145

Mercedes Arevalo
MERCEDES AREVALO

State of Ca.
County of Orange

On ~~July 31~~ ^{Aug. 2}, 2006 before me, GABY OSPINO, the undersigned Notary Public, personally appeared MERCEDES AREVALO 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)
GABY OSPINO, Notary Public

