

2006-021551

Klamath County, Oregon



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Recording requested by:

10/26/2006 11:13:17 AM

Fee: \$36.00

When recorded mail to:

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

181 TITLE, INS DIVISION

T.S. No. 06-27682-OR

Space above this line for recorder's use only

Title Order No. 6410265

ASPEN: 64084

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 **ALLEN D. MERCK** as Grantor, in which **OPTION ONE MORTGAGE CORPORATION, A CALIFORNIA CORPORATION** is named as Beneficiary and **FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON** as Trustee, dated **05/03/2005** and recorded **05/11/2005**, as Book **M05**, Page **34140** in Official Records of **Klamath Falls County, Oregon**; covering the following described real property situated in said county and state, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF

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

1967 LAWRENCE STREET, KLAMATH FALLS, Oregon 97601-1822

The undersigned trustee, **Fidelity National Title Company of Oregon**, 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:

\$36-A

Total payments from 8/1/2006 through 10/24/2006	\$3,786.45
Total late charges	\$189.33
Total advances	\$151.22
TOTAL DUE THE BENEFICIARY	<u>\$4,127.00</u>

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 \$185,941.77 together with interest thereon at the current rate of 7.09 per cent (%) per annum from 07/01/2006 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 Company of Oregon**, 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 **03/06/2007** 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.

EXHIBIT "A"
LEGAL DESCRIPTION

34146

The East ½ of Lot 21 and all of Lot 22 in Block 8 of HILLSIDE ADDITION to the City of Klamath Falls, Oregon according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon;

EXCEPTING THEREFROM that portion thereof conveyed to William F. Speers and Linda M. Speers by Decree entered in Klamath County Circuit Court Case No. 0204299CV on November 6, 2003, a copy of said Judgment having been recorded November 18, 2003 in Volume M03, Page 85162, Microfilm Records of Klamath County, Oregon, described as follows:

That portion of said Lot 21, Block 8 of "HILLSIDE ADDITION to the City of Klamath Falls", described as follows:

Beginning at a point on the South line of said Lot 21, said point being the Southwest corner of that tract of land described in Deed Volume M02, page 2904 of the Klamath County Deed Records from which the Southwest corner of said Lot 21 bears South 68° 52' 23" West 24.98 feet; thence North 21° 14' 04" West along the West line of said Deed Volume, 139.85 feet to a point on the North line of said Lot 21 and said Deed Volume; thence North 68° 52' 23" East, along the North line of said Lot 21 and said Deed Volume, 7.06 feet; thence South 21° 59' 37" East 139.86 feet to a point on the South line of said Lot 21 and said Deed Volume; thence South 68° 52' 23" West 8.91 feet to the point of beginning, with bearings based on R. O. S. 4527 on file at the office of the Klamath County Surveyor.

Tax Account No: 3809-029AA-05100-000

Key No.: 186809

In 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: 10/24/2006

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

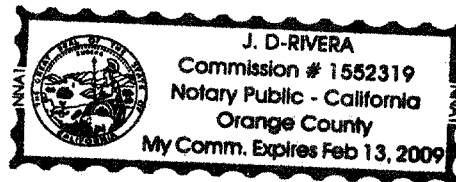
By Kim Thorne
Kim Thorne, Assistant Secretary

State of California}
County of Orange} ss.

On October 24, 2006, before me, J.D-Rivera, Notary Public, personally appeared, Kim Thorne 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

J.D-Rivera



For further information please contact:

Fidelity National Title Company of Oregon
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.