

2008-001937

Klamath County, Oregon



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02/14/2008 03:31:54 PM

Fee: \$31.00

NOTICE OF DEFAULT AND ELECTION TO SELL

**RE: Trust Deed from LEOPOLDO RODRIGUEZ
AND PATRICIA CORDONIER, AS TENANTS BY
THE ENTIRETY Grantor**

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

After recording return to(name, address, zip):

**Executive Trustee Services, LLC
2255 North Ontario Street, Suite 400
Burbank, California 91504-3120**

(818) 260-1600

SPACE RESERVED
FOR
RECORDER'S USE

TS No: **OR-131742-C**

Loan No: **0685421942**

Reference is made to that certain trust deed made by LEOPOLDO RODRIGUEZ AND PATRICIA CORDONIER, AS TENANTS BY THE ENTIRETY as grantor, to FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, as trustee in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. SOLELY AS NOMINEE FOR LENDER GMAC MORTGAGE CORPORATION, as beneficiary, dated 11/11/2004, recorded 11/23/2004, in the Records of Klamath County, Oregon, in book M04 at page 80639, 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: R481981; R3809-033AD-03200-000
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>
2/1/2008	2/11/2008	1	7.5	\$565.28	\$565.28
11/1/2007	1/31/2008	3	7.5	\$546.39	\$1,639.17

Total Late Charges:	\$60.81
Beneficiary Advances	
Miscellaneous	\$114.25
Accrued Late Charges	\$196.27
Unapplied Funds	(\$259.04)

\$2,316.74

TOTAL FORECLOSURE COST: \$2,060.24

TOTAL REQUIRED TO REINSTATE: \$4,376.98

F31-

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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 \$56,361.59; plus accrued interest plus impounds and / or advances which became due on 11/1/2007 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 **6/27/2008**, at the following place: **On the front steps of the Circuit Court, 316 Main St, 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
LEOPOLDO RODRIGUEZ and PATRICIA CORDONIER

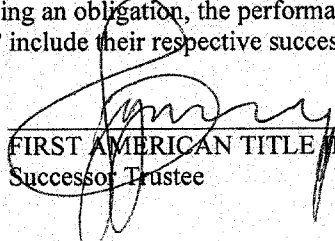
Nature of Right, Lien or Interest

**2555 GARDEN AVENUE
KLAMATH FALLS, Oregon 97601**

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 2/11/2008

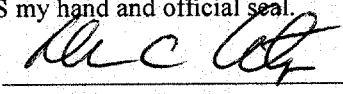

FIRST AMERICAN TITLE INSURANCE COMPANY
Successor Trustee

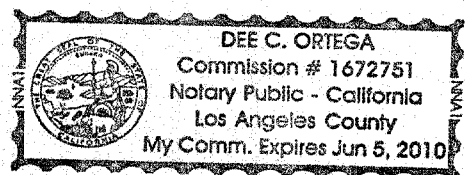
State of California) ss.
County of Los Angeles)

On 2/11/2008 before me, Dee C. Ortega Notary Public, personally appeared Anna Liza P. Guingao who 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.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



OR-131742-C

EXHIBIT (A)

LEGAL DESCRIPTION

PARCEL 1:

LOT OF RESUBDIVISION OF BLOCK 125 MILLS ADDITION TO THE CITY OF KLAMATH FALLS, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

PARCEL 2:

THAT PORTION OF THE STRIP OF LAND CONTIGUOUS TO THE NORTHERLY BOUNDARY OF LOT 30, BLOCK 125, MILLS ADDITION TO THE CITY OF KLAMATH FALLS, SHOWN ON THE MAP FILED MAY 1, 1926 IN THE KLAMATH COUNTY RECORDS, AND BETWEEN THE EXTENSIONS OF THE NORTHWESTERLY BOUNDARY LINE OF SAID LOT 30 TO THE CENTERLINE OF THE STRIP OF LAND DESCRIBED IN THAT CERTAIN CORRECTION DEED TO THE UNITED STATES DATED SEPTEMBER 28, 1912, RECORDED IN VOLUME 38, PAGE 209, DEED RECORDS OF KLAMATH COUNTY, OREGON.