

2008-003669

Klamath County, Oregon



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03/24/2008 03:06:00 PM

Fee: \$31.00

**NOTICE OF DEFAULT AND
ELECTION TO SELL**

Re: Trust Deed from
GARY A. FRAZIER AND PATRICIA J. FRAZIER
Grantors,

To.
Laura J. Walker
Trustee.

After recording return to:
Laura J. Walker
1001 SW Fifth Avenue, Suite 2000
Portland, OR 97204

RESERVED FOR RECORDER'S USE

Reference is made to that certain trust deed made by Gary A. Frazier and Patricia J. Frazier as grantors, to Glenn H. Prohaska as trustee, in favor of Conseco Finance Servicing Corp.,* as beneficiary, dated December 7, 1999, recorded on December 22, 1999, in the records of Klamath County, Oregon at Vol. M99, Page 50181, covering the following described real property situated in the above-mentioned county and state, to wit:

LOT 7 OF TRACT 1312, SPRINGCREST, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON

Commonly known as 5817 Springcrest Way, Klamath Falls, Oregon

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 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 default of such provision. The default for which foreclosure is made is grantor's failure to pay when due the following sums:

Four monthly payments of \$1013.81 due for December 2007, January 2008, February 2008 and March 2008 with interest accruing thereon at the contract rate of 7.99% per annum or \$28.68 per diem until paid in full, past due property taxes for 2004-05, 2005-06, 2006-07, 2007-08, plus interest, plus costs and attorneys fees.

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:

*Green Tree Servicing LLC is successor in interest to Conseco Finance Servicing Corp.

151 1200329

F31-

Principal	\$130,780.36
Total Delinquent as of March 18, 2008:	\$ 3,458.92 (including late charges)
Accrued Property Taxes:	\$ 7,865.75 (plus interest)
Foreclosure Guarantee	\$ <u>552.50</u>
Total:	\$142,657.53

Notice hereby is given that the beneficiary and trustee, by reason of the 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 compensation of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

This sale will be held at the hour of **10 o'clock, a.m.**, in accord with the standard of time established by ORS 187.110 on **Friday, August, 15, 2008**, at the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, which is the hour, date and place last set for the 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:

Gary A. and Patricia J. Frazier
5076 Leonard Road, #98
Grants Pass, OR 97527

GMAC Mortgage Corporation DBA ditech.com
3200 Park Center Dr., Suite 150
Costa Mesa, CA 92626

First American Title Insurance Company
Executive Trustee Services, Inc.
15455 San Fernando Mission Blvd., Suite #208
Mission Hills, CA 91345

Note Tracker Corp.
3830 Valley Centre Dr. Suite 705 PMB 182
San Diego, CA 92130

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 or 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.

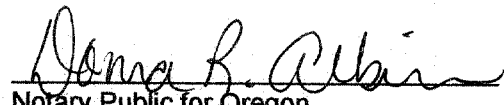
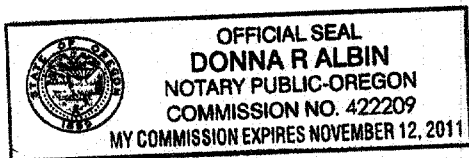
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED this 21 day of March, 2008.



Laura J. Walker, Trustee
1001 SW Fifth Avenue, Suite 2000
Portland, OR 97204
(503) 224-3092

STATE OF OREGON, COUNTY OF MULTNOMAH) ss
This instrument was acknowledged before me on March 21, 2008
By: Laura J. Walker



Notary Public for Oregon
My Commission Expires: Nov. 12, 2011