

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

RE: Trust Deed from **ELWOOD H. MILLER, JR.**
Grantor

To: **First American Title Insurance Co. Successor
Trustee**

1st 1201601

After recording return to:
First American Title Insurance Co
P.O. Box 961254
Fort Worth, TX 76161

2008-004889

Klamath County, Oregon



00043583200800048890030033

04/02/2008 03:24:05 PM

Fee: \$31.00

This space reserved for Recorders use

T.S. Number: **20089170000080**

Reference is made to that certain trust deed made by **ELWOOD H. MILLER, JR.** as grantor, to **VISTA TITLE** as trustee, in favor of **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC SOLEY AS NOMINEE FOR STONECREEK FUNDING CORPORATION**, as beneficiary, dated **04/14/2005**, recorded on **5/4/2005**, in the Records of **KLAMATH** County, Oregon, in book **M05** at page **32096**, and/or as fee/file/instrument/microfilm/reception No. , covering the following described real property situated in the above-mentioned county and state, to wit:

APN: 195746

SEE LEGAL DESCRIPTION EXHIBIT "A"
40340 RIVERVIEW DRIVE
CHILOQUIN, OR 97624
KLAMATH COUNTY

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 mortgage records of the county or counties in which the above described real property is situated. Further, that no action has been instituted to recover the 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 ORS 86.735 (4).

There is a default by grantor or other person owing an obligation, the performance of which is secured by said trust deed, or by grantor's 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:

PAYMENTS FROM - 8/1/2007	\$	13,713.76
LATE CHARGES	\$	599.98
ADVANCES/EXPENSES	\$	10,064.82
MISCELLANEOUS FEES	\$	675.00

As of 3/17/2008, the sum due is **\$14,313.74** plus any late charges, attorneys' fees, collection costs, and any other sum as the beneficiary may have or will advance, plus real property taxes due and owing.

By reason of the 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, to- wit:

As of **08/01/2007**, the principal balance is **\$187,795.78**, plus interest and late charges, plus any sum advanced by the beneficiary or the beneficiary's successor in interest for the protection of the above described real property; plus any attorneys' and trustee's fees incurred by reason of said default. Interest on the principal balance continues to accrue at the note default rate of **7.25%** per annum until the loan is paid in full.

F31-

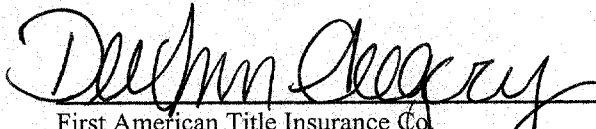
Notice is hereby given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose said trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795 and to cause to be sold at public auction to the highest bidder for cash the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said trustee 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.

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 **8/21/2008** at the following place: **AT THE MAIN ENTRANCE TO THE COUNTY COURTHOUSE, 316 MAIN STREET, KLAMATH FALLS, OR, County of KLAMATH, State of Oregon**, which is the hour, date and place last set for sale.

Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five (5) days before the date last set for 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 3/31/2008


First American Title Insurance Co.
P.O. Box 961254, Fort Worth, TX 76161

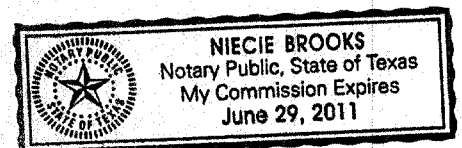
State of Texas }

County of Tarrant }

On 3-31-08 before me, Nicie Brooks the undersigned, personally appeared DeeAnn Gregory 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 Nicie Brooks (Seal)



**FIRST AMERICAN MAY BE ACTING AS A DEBT COLLECTOR
ATTEMPTING TO COLLECT A DEBT, AND ANY INFORMATION
OBTAINED MAY BE USED FOR THAT PURPOSE.**

REAL PROPERTY IN THE COUNTY OF KLAMATH, STATE OF OREGON, DESCRIBED AS FOLLOWS:
A PART OF GOVERNMENT LOT 8 IN SECTION 27, TOWNSHIP 34 SOUTH, RANGE 7 EAST OF THE
WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SECTION 27 WITH THE WESTERLY
RIGHT OF WAY LINE OF SOUTHERN PACIFIC RAILROAD; THENCE NORTHERLY ALONG SAID
RIGHT OF WAY LINE 641.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTHERLY ON
SAID WESTERLY RIGHT OF WAY LINE 320.50 FEET; THENCE WEST TO THE MEAN HIGH WATER
LINE OF THE WILLIAMSON RIVER; THENCE SOUTHERLY ALONG SAID WATER LINE TO A POINT
DUE WEST OF THE TRUE POINT OF BEGINNING; THENCE EAST TO THE TRUE POINT OF
BEGINNING.