

**NOTICE OF DEFAULT AND ELECTION  
TO SELL**

Mortgage Electronic Registration Systems, Inc.  
"MERS," solely as a nominee for CitiBank,  
FSB.

**BENEFICIARY UNDER ORIGINAL TRUST DEED.**

David R. Brown,  
**GRANTOR UNDER ORIGINAL TRUST DEED.**

First American Title Ins. Co. Of Oregon,  
**TRUSTEE UNDER ORIGINAL TRUST DEED.**

**ORIGINAL TRUST DEED RECORDED:**

January 19<sup>th</sup>, 2006, Volume M06, Page 01069

**2008-008970**

Klamath County, Oregon



00048372200800089700020024

06/19/2008 03:49:35 PM

Fee: \$26.00

No Change in Tax Statements is Requested

After recording return to Bearer of:

**REZVANI LAW OFFICE, LLC**

P.O. BOX 865

GRESHAM, OREGON 97030

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain *Deed of Trust* (hereafter referred to as the *Trust Deed*) made by: David R. Brown, as the Grantor, First American Title Insurance Company of Oregon, as the Trustee, and Mortgage Electronic Registration Systems, Inc., "MERS," solely as nominee for CitiBank, FSB, as the Beneficiary, dated December 30<sup>th</sup>, 2005, and recorded January 19<sup>th</sup>, 2006, in Volume M06, Page 01069 in the Mortgage Records of Klamath County, Oregon, covering the following described real property situated in said county and state, to wit:

A PORTION OF THE WEST HALF OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN WHICH LIES EAST ALONG THE SECTION LINE A DISTANCE OF 1672.5 FEET AND NORTH 0°02' WEST ALONG THE CENTER LINE OF MCKINLEY STREET A DISTANCE OF 887.5 FEET AND WEST A DISTANCE OF 40 FEET FROM THE IRON MONUMENT WHICH MARKS THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, AND RUNNING THENCE; WEST A DISTANCE OF 115.75 FEET TO AN IRON PIN; THENCE NORTH 0°02' WEST A DISTANCE OF 62.5 FEET TO AN IRON PIN; THENCE EAST 115.75 FEET TO AN IRON PIN; THENCE SOUTH 0°02' EAST A DISTANCE OF 62.5 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

The street address or other common designation, if any, for the real property described above is purported to be: 583 East 3<sup>rd</sup> Street, Merrill, Oregon 97633. The Tax Assessor's Parcel Number (Property Tax ID) for the Real Property is purported to be: R119712.

The undersigned successor trustee, Sia Rezvani, 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; and further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by said *Trust Deed*, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

Notice is hereby given by the present and successor trustee, Sia Rezvani (who is Trustee by virtue of a duly recorded *Appointment of Successor Trustee* recorded immediately prior to this document), pursuant to the written instructions of CitiMortgage, Inc (which is the present beneficiary by virtue of an *Assignment of Deed of Trust* recorded immediately prior to the *Appointment of Successor Trustee* referenced above), that the beneficiary by reason of the grantors' default, has elected and hereby elects to foreclose the above referenced *Trust Deed* by advertisement and sale pursuant to ORS 86.705 to 86.795 in order to satisfy the grantors' obligations secured by the *Trust Deed*. All right, title, and interest in the said described property which the grantors had, or had power to convey, at the time of execution of the *Trust Deed*, together with any interest the grantors or their successors in interest acquired after execution of the *Trust Deed* shall be sold at public auction to the highest bidder for cash to satisfy the obligations secured by the *Trust Deed* and the expenses of sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The default(s) for which foreclosure is made is (1) the grantor's failure to make regular payments to the beneficiary, such default beginning February 4<sup>th</sup>, 2008, and continuing through the date of this *Notice*, and (2) failure to carry, and/or provide evidence of, extended coverage hazard insurance, in violation of Paragraph 5 of the *Trust Deed*, and (3) any defaults or breaches occurring after the date this document is recorded with the County Clerk. The current balance of payments now due, together with late charges, attorney and trustee fees, costs, title expenses, and other allowed charges is \$2,390.43, together with any default in the payment of recurring obligations as they become due, periodic adjustments to the payment amount, any further sums advanced by the beneficiary to protect the property or its interest therein, additional costs and attorney fees as provided by law, and prepayment penalties/premiums, if any, together with defaulted amounts owed to senior lienholders. The amount required to cure the default in payments to date is calculated as follows:

From	No. Payments	Amount per		
02/04/08	5	\$157.66	Total of past-due payments :	\$788.30
			Total late charges:	\$46.02
			Trustee's /Attys.Fees and Costs:	\$1,557.00
			LESS: Credit (unapplied funds)	-\$0.89
Total necessary to cure default in payments to date:				\$2,390.43 + proof of insurance + proof taxes are current + proof seniors are current or tender of sufficient funds to cure any/all senior defaults.

Please note this amount is subject to confirmation and review and is likely to change during the next 30 days. Please contact Rezvani Law Office to obtain a "reinstatement" and/or "payoff" quote prior to remitting funds.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the *Trust Deed* due and payable. The amount required to discharge this lien in its entirety to date is: \$12,825.82

Said sale shall be held at the hour of 11:00 a.m. on October 28<sup>th</sup>, 2008, in accord with the standard of time established by ORS 187.110, and pursuant to ORS 86.745(7) shall occur at the following designated place:

AT THE FOURTH AVENUE ENTRANCE OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET, KLAMATH FALLS, OREGON 97601.


Other than as shown of record, neither the said beneficiary nor the said trustee have 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(s) in interest to the grantors or of any lessee or other person in possession of or occupying the property, except: N/A.

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 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(s) of the *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 ORS 86.753.

The mailing address of the trustee is Rezvani Law Office, LLC, P.O. Box 865, Gresham, Oregon 97030; the telephone number of the trustee is 503-666-3407.

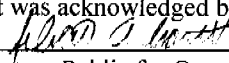
In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" and/or "grantors" includes any successor in interest to the grantor as well as any other person owing an obligation the performance of which is secured by the *Trust Deed*, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated this 17<sup>th</sup> day of June, 2008.

By:   
Sia Rezvani, Successor Trustee

STATE OF OREGON, County of Multnomah} ss.

I hereby certify under penalty of perjury this instrument was acknowledged before me on June 17<sup>th</sup>, 2008, by Sia Rezvani.

  
Notary Public for Oregon

My Commission Expires: Feb 11, 2012

