

2008-012774

Klamath County, Oregon



00053097200800127740030035

COVER SHEET

ORS: 205.234

09/12/2008 03:16:25 PM

Fee: \$31.00

This cover sheet has been prepared by the persons presenting the attached instrument for recording. Any errors in this cover sheet DO NOT affect the transaction(s) contained in the instrument itself.

1st 1278008

After recording, return to:

Northwest Trustee
ATT KATHY Taggart
PO Box 997
Belleuve WA 98009

The date of the instrument attached is Sept 11 2008

1) NAMES(S) OF THE INSTRUMENT(S) required by ORS 205.234(a)

NOTICE of Default & Elect to Sell

2) PARTY(IES)/GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160:

Noel Dayton & Beth

3) PARTY(IES)/GRANTEE, required by ORS 205.125(1)(b) and ORS 205.160

MEXS

4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030

\$ _____

5) FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY CLERK'S LIEN RECORDS, ORS 205.121(1)(c)

6) RE-RECORDED to correct: _____
Previously recorded as: _____

F31

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Dayton Noel and Beth Noel, as tenants by the entirety, as grantors, to Amerititle, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for Gateway Business Bank, DBA Mission Hills Mortgage Bankers, a California Corporation, as beneficiary, dated 10/14/04, recorded 10/21/04, in the mortgage records of Klamath County, Oregon, as Vol: M04, Page 71932, and subsequently assigned to Wells Fargo Bank, NA by Assignment, covering the following described real property situated in said county and state, to wit:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER SECTION 36, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST BOUNDARY OF PATTERSON STREET, SAID POINT BEING NORTH 89 DEGREES 55' EAST A DISTANCE OF 1345.2 FEET AND NORTH 0 DEGREES 16' A DISTANCE OF 1587.6 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE NORTH 89 DEGREES 39 1/2; EAST PARALLEL WITH EBERLEIN AVENUE, A DISTANCE OF 125.0 FEET; THENCE NORTH 0 DEGREES 16' WEST PARALLEL WITH PATTERSON STREET A DISTANCE OF 100.0 FEET; THENCE SOUTH 89 DEGREES 39 1/2' WEST PARALLEL WITH EBERLEIN AVENUE A DISTANCE OF 125.0 FEET TO THE EAST BOUNDARY OF PATTERSON STREET; THENCE SOUTH 0 DEGREES 16' EAST ALONG THE EAST BOUNDARY OF PATTERSON STREET, A DISTANCE OF 100.0 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

PROPERTY ADDRESS: 1185 PATTERSON STREET
KLAMATH FALLS, OR 97603

There is a default by the grantor or other person owing an obligation or by their successor in interest, 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 grantors' failure to pay when due the following sums: monthly payments of \$1,150.65 beginning 06/01/08; plus late charges of \$46.03 each month beginning 06/16/08; plus prior accrued late charges of \$0.00; plus advances of \$190.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

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, to wit: \$145,731.89 with interest thereon at the rate of 6.25 percent per annum beginning 05/01/08; plus late charges of \$46.03 each month beginning 06/16/08 until paid; plus prior accrued late charges of \$0.00; plus advances of \$190.00; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

NOTICE OF DEFAULT AND ELECTION TO SELL

**RE: Trust Deed from
NOEL, DAYTON and BETH
Grantor
to
Northwest Trustee Services, Inc.,
Successor Trustee**

File No. 7023.17692

**For Additional Information:
After Recording return to:
Kathy Taggart
Northwest Trustee Services, Inc.
P.O. Box 997
Bellevue, WA 98009-0997
(425) 586-1900**

Notice is hereby given that the beneficiary and trustee, by reason of said 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 the grantor had, or had the power to convey, at the time grantor executed 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 the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and reasonable fees of trustee's attorneys.

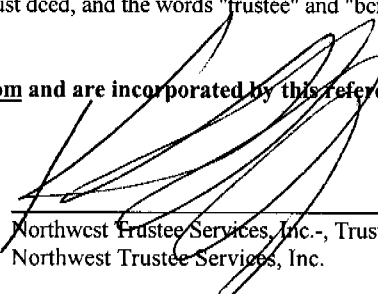
The sale will be held at the hour of 10:00 o'clock A.M., in accord with the standard of time established by ORS 187.110 on **January 21, 2009**, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

Notice is further given that for reinstatement or payoff quotes requested pursuant to ORS 86.745 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, www.northwesttrustee.com.

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 every other default complained of herein by tendering the performance required under the obligation or trust deed, 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 ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

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 said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

The trustee's rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com.


Northwest Trustee Services, Inc., Trustee
Northwest Trustee Services, Inc.

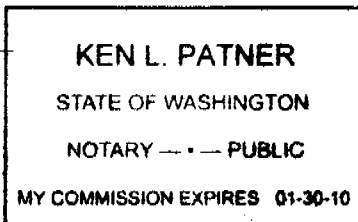
STATE OF WASHINGTON)

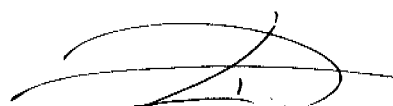
) ss.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that Kathy Taggart is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as an Assistant Vice President of Northwest Trustee Services, Inc. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: SEPTEMBER 11
2008




NOTARY PUBLIC in and for the State of
Washington, residing at Seattle
My commission expires 1-30-10

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE