

2008-013164

Klamath County, Oregon



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09/22/2008 03:14:55 PM

Fee: \$31.00

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from TRACY NICOLE BARRY
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

SPACE RESERVED
FOR
RECORDER'S USE

(818) 260-1600

TS No: **OR-150892-C**

Loan No: **0655300066**

Reference is made to that certain trust deed made by TRACY NICOLE BARRY as grantor, to FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, as trustee in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS") AS NOMINEE FOR GMAC MORTGAGE CORPORATION DBA DITECH.COM, as beneficiary, dated 1/21/2005, recorded 2/25/2005, in the Records of Klamath County, Oregon, in book M05 at page 12403, 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: R-3909-00208-01100
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>
7/1/2008	9/17/2008	3	7.375	\$599.57	\$1,798.71
6/1/2008	6/30/2008	1	7.375	\$475.56	\$475.56

Total Late Charges: \$69.04

Beneficiary Advances

Miscellaneous \$33.75

Accrued Late Charges \$51.78

Unapplied Funds (\$337.71)

\$2,091.13

TOTAL FORECLOSURE COST: \$2,031.48

TOTAL REQUIRED TO REINSTATE: \$4,122.61

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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 \$47,846.68; plus accrued interest plus impounds and / or advances which became due on 6/1/2008 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 **2/6/2009**, 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

Nature of Right, Lien or Interest

TRACY N BARRY

2440 HOMEDALE ROAD
KLAMATH FALLS, OREGON 97603

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 9/17/2008

Karen Balsano
FIRST AMERICAN TITLE INSURANCE COMPANY
Successor Trustee

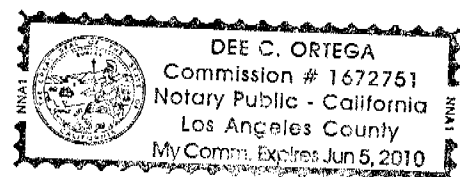
State of California) ss.
County of Los Angeles)

On 9/17/2008 before me, Dee C. Ortega Notary Public, personally appeared Karen Balsano 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 *Dee C. Ortega* (Seal)
Dee C. Ortega



OK-150892-C

EXHIBIT (A)

LEGAL DESCRIPTION

THAT PORTION OF THE NW 1/4 OF SE 1/4 OF SECTION 2, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED 30 FEET WEST AND 602 FEET SOUTH OF THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 OF SAID SECTION 2; THENCE CONTINUING SOUTH ALONG THE WEST LINE OF HOMEDALE ROAD 104 FEET; THENCE WEST 155 FEET TO THE EAST LINE OF KIELSMEIER ACRE TRACTS; THENCE NORTH ALONG SAID EAST LINE 104 FEET; THENCE EAST 155 FEET TO THE WEST LINE OF HOMEDALE ROAD AND THE TRUE POINT OF BEGINNING.