

**NOTICE OF DEFAULT AND ELECTION
TO SELL**

Mortgage Electronic Registration Systems, Inc.,
"MERS" solely as a nominee for 123Loan, LLC
BENEFICIARY UNDER ORIGINAL TRUST DEED.

Kathrun Denise Garlitz and Kirby L. Garlitz, Sr.
GRANTOR UNDER ORIGINAL TRUST DEED.

Fidelity National Title Insurance Company,
TRUSTEE UNDER ORIGINAL TRUST DEED.

ORIGINAL TRUST DEED RECORDED:
August 30th, 2004, Vol. M04, Pg. 57217

2008-013427

Klamath County, Oregon



00053924200800134270020021

09/29/2008 11:38:54 AM

Fee: \$26.00

No Change in Tax Statements is Requested

After recording return to:

REZVANI LAW OFFICE, LLC

P.O. BOX 865

GRESHAM, OREGON 97030

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain *Home Equity Line of Credit Deed of Trust* (hereafter referred to as the *Trust Deed*) made by: Kathrun Denise Garlitz and Kirby L. Garlitz, Sr. as the Grantor, Fidelity National Title Insurance Company, as the Trustee, and Mortgage Electronic Registration Systems, Inc., as the Beneficiary, dated August 30th, 2004, Vol. M04, Page 57217, in the Mortgage Records of Klamath County, Oregon, covering the following described real property situated in said county and state, to wit:

The South 81.5 feet of Lot 8 in Block 2 of Second Addition to Altamont Acres, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

The street address or other common designation, if any, for the real property described above is purported to be: 4121 Altamont Drive, Klamath Falls, Oregon 97603. The Tax Assessor's Parcel Number (Property Tax ID) for the Real Property is purported to be: R546010.

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 04/06/07 in the Mortgage Records of Klamath County, Oregon, as Document No. 2007-06429), pursuant to the written instructions of CitiMortgage, Inc. (which is the present beneficiary by virtue of a duly recorded *Assignment of Deed of Trust* recorded 04/06/07 as Doc. No. 2007-06428), 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 October 19th, 2006, and continuing through the date of this *Notice*, and (2) failure to carry, and/or provide evidence of, extended coverage hazard insurance, 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 **\$10,577.74**, 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
10/19/06 24 \$287.38

Total of past-due payments : \$6,897.12

Trustee's Fees and Costs: \$1,219.06

Lender's Fees, Costs & Charges (including prior foreclosure(s)): \$2,621.42

LESS: Unapplied Funds: -\$159.86

Total necessary to cure default in payments to date: \$10,577.74 + 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: \$36,158.04

Said sale shall be held at the hour of 11:00 a.m. on February 3rd, 2009, 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.

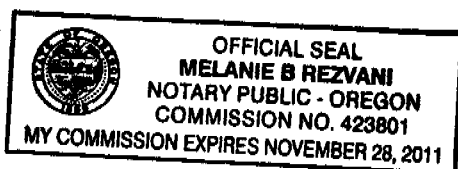
Dated this 25th day of September, 2008.

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 September 25th, 2008, by Sia Rezvani.



Melanie B Rezvani
Notary Public for Oregon
My Commission Expires: Nov. 28, 2011