

2009-004090

Klamath County, Oregon



00062968200900040900030032

03/23/2009 11:52:25 AM

Fee: \$31.00

**NOTICE OF DEFAULT  
AND ELECTION TO SELL**

**RE: Trust Deed from TRAVIS E. WARD Grantor**

**To LSI TITLE COMPANY OF OREGON, LLC  
Successor Trustee**

After recording return to(name, address, zip):  
**Executive Trustee Services, LLC  
 2255 North Ontario Street, Suite 400  
 Burbank, California 91504-3120**

**A7E 66583  
 (818) 260-1600**

SPACE RESERVED  
 FOR  
 RECORDER'S USE

TS No: **OR-177385-C**Loan No: **0570330704**

Reference is made to that certain trust deed made by TRAVIS E. WARD as grantor, to AMERITITLE, as trustee in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR GMAC MORTGAGE CORPORATION, as beneficiary, dated 9/22/2004, recorded 9/27/2004, in the Records of Klamath County, Oregon, in book Vol M04 at page 64604, 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: R595163**

**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>
2/1/2009	3/18/2009	2	5.125	\$755.19	\$1,510.38
12/1/2008	1/31/2009	2	5.125	\$726.33	\$1,452.66

Total Late Charges: \$103.44

**Beneficiary Advances**

MISC \$88.63

Accrued Late Charges \$25.86

Unapplied Funds (\$3.67)

**\$3,177.30**

**TOTAL FORECLOSURE COST: \$2,238.74**

**TOTAL REQUIRED TO REINSTATE: \$5,416.04**

*\$31 A7E*

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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 \$121,129.04; plus accrued interest plus impounds and / or advances which became due on 12/1/2008 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 **8/6/2009**, 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

**TRAVIS E. WARD**

11928 MALLORY DRIVE  
KLAMATH FALLS, OR 97603-0000

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 3/18/2009

*Marvell L. Carmouche*  
LSI TITLE COMPANY OF OREGON, LLC  
Successor Trustee

State of California ) ss.  
County of Los Angeles)

On 3/18/2009 before me, Dee C. Ortega Notary Public, personally appeared Marvell L. Carmouche 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

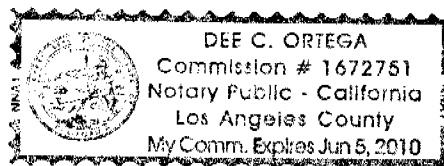


EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1:

A tract of land situated in N1/2 SE1/4 of Section 9, Township 39 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the South right of way line of Mallory Drive and the East line of Lot 1, Block 3, Pine Grove Ranchettes; thence East along the South line of Mallory Drive 450.13 feet to the true point of beginning; thence South 0° 08' West 222 feet; thence East 194.71 feet; thence North 0° 08' East 222 feet to the South line of Mallory Drive; thence West along Mallory Drive to the point of beginning.

LESS AND EXCEPT a strip of land situated in the NE1/4 SE1/4 of Section 9, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point South 89° 55' 00" East 453.19 feet from the Northeast corner of Lot 1, Block 3, Pine Grove Ranchettes, a duly recorded subdivision plat, said point being on the Southerly right of way line of Mallory Drive; thence continuing South 89° 55' 00" East 14.00 feet; thence South 00° 08' 00" West 222.00 feet; thence North 89° 55' 00" West 14.00 feet to the Easterly line of that tract of land described in Deed Volume M74, page 15447, as recorded in the Klamath County Deed Records; thence North 00° 08' 00" East, along said Easterly line and the Easterly line of that tract of land described in Deed Volume M68, page 2191 of said Deed Records, 222.00 feet to the point of beginning.

PARCEL 2:

A strip of land situated in the NE1/4 SE1/4 of Section 9, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point South 89° 55' 00" East 661.90 feet from the Northeast corner of Lot 1, Block 3, Pine Grove Ranchettes, a duly recorded subdivision plat, said point being on the Southerly right of way line of Mallory Drive, said point also being the Northwest corner of that tract of land described in Deed Volume M78, page 1131, as recorded in the Klamath County Deed Records; thence South 00° 08' 00" West, along the Westerly line of said tract of land (Deed Volume M78, page 1131), 222.00 feet; thence North 89° 55' 00" West 14.00 feet to the Easterly line of that tract of land described in Deed Volume M74, page 15986, as recorded in said Deed Records; thence North 00° 08' 00" East, along said Easterly line 222.00 feet; thence South 89° 55' 00" East 14.00 feet to the point of beginning.