

2009-006932

Klamath County, Oregon



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05/18/2009 11:33:30 AM

Fee: \$31.00

# NOTICE OF DEFAULT AND ELECTION TO SELL

**RE: Trust Deed from DAVID WILLIAM SMITH and  
TERI LYNN SMITH, AS TENANTS BY THE  
ENTIRETY 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**

**ATE 66765**

**(818) 260-1600**

SPACE RESERVED  
FOR  
RECORDER'S USE

TS No: **OR-182525-C**

Loan No: **0685563977**

Reference is made to that certain trust deed made by DAVID WILLIAM SMITH and TERI LYNN SMITH, AS TENANTS BY THE ENTIRETY as grantor, to FIRST AMERICAN TITLE COMPANY OF OREGON, as trustee in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR GMAC MORTGAGE CORPORATION, as beneficiary, dated 6/9/2006, recorded 7/3/2006, in the Records of Klamath County, Oregon, in book - at page , and/or as fee/file/instrument/microfilm/reception No. M06-13471 (indicate which), covering the following described real property situated in the above-mentioned county and state, to wit:

**APN: R532294**

**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	5/13/2009	4	6.75	\$1,452.86	\$5,811.44

Total Late Charges:

\$217.92

Beneficiary Advances

\$11.25

MISC

\$6,040.61

TOTAL FORECLOSURE COST:

\$2,448.92

TOTAL REQUIRED TO REINSTATE:

\$8,489.53

**\$ 31 ATE**

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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 \$217,716.53; plus accrued interest plus impounds and / or advances which became due on 2/1/2009 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 **10/5/2009**, 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

**DAVID W. SMITH and TERI LYN SMITH**

5658 LATHROP DR  
SAN JOSE, CA 95123-2050

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 5/13/2009


LSI TITLE COMPANY OF OREGON, LLC  
Successor Trustee

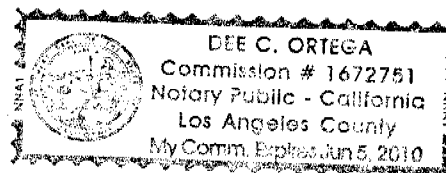
State of California ) ss.  
County of Los Angeles)

On 5/13/2009 before me, Dee C. Ortega Notary Public, personally appeared Cindy Sandoval 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  (Seal)  
Dee C. Ortega



TS # OR-182525-C

EXHIBIT "A"

LEGAL DESCRIPTION

The land referred to in this policy is situated in the STATE OF OREGON, COUNTY OF KLAMATH, CITY OF KLAMATH FALLS, and described as follows:

LOT 2, BLOCK 5, FIRST ADDITION TO WEST HILLS HOMES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.