

2009-009328

Klamath County, Oregon



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07/07/2009 03:18:08 PM

Fee: \$31.00

AFTER RECORDING RETURN TO:

Shapiro & Sutherland, LLC

5501 N.E. 109th Court, Suite N

Vancouver, WA 98662

09-102637

ATE 66914

NOTICE OF DEFAULT AND ELECTION TO SELL

A default has occurred under the terms of a trust deed made by Lynn Thaden and Daniel Thaden, husband and wife, as grantor to First American Title Insurance Comp., as trustee, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for Decision One Mortgage Company, LLC, as beneficiary, dated April 28, 2006, recorded May 3, 2006, in the mortgage records of Klamath County, Oregon, as Instrument No. M06-08677, beneficial interest having been assigned to HSBC Mortgage Services, Inc., as covering the following described real property:

See complete Legal Description attached hereto as Exhibit "A"

COMMONLY KNOWN AS: 728 North 9th Street, Klamath Falls, OR 97601

Kelly D. Sutherland, Successor Trustee, hereby certifies that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said 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 the grantor or other person owing an obligation, 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 grantor's failure to pay when due the following sums:

Monthly payments in the sum of \$859.67, from March 1, 2009, and monthly payments in the sum of \$913.34, from July 1, 2009, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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:

\$112,518.90, together with interest thereon at the rate of 8.19% per annum from February 1, 2009, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclosure said 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

\$31 ATE

**APRIL L. AXE
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
MAY 9, 2012**

EXHIBIT A

LEGAL DESCRIPTION:

Beginnning at a point on the Southerly line of 9th Street, 154 feet Northwesterly from the Southeasterly corner of Lot 1, Block 65 of Nichols Addition to the Town of Linkville (now City of Klamath Falls); thence Northwesterly along the Easterly line of said Lot 1 a distance of 40 feet, more or less, to a point 83 feet Southeasterly along said line, from the intersection of the Easterly line of Prospect Street, and the Westerly line of 9th Street; thence Southwesterly parallel with Grant Street (formerly Franklin Street) a distance of 86 feet; thence Southeasterly parallel with 9th Street, 40 feet, more or less, to a point Northwesterly a distance of 154 feet along the Westerly line of said Lot 1, from the Northerly line of Grant Street; thence Northeasterly, parallel with Grant Street a distance of 86 feet to the point of beginning