

2009-009766

Klamath County, Oregon



00069629200900097660040045

07/17/2009 03:21:31 PM

Fee: \$36.00

RECORDING REQUESTED BY

T.D. SERVICE COMPANY

and when recorded mail to

T.D. SERVICE COMPANY
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988

1st 1440586 Space above this line for recorder's use _____

OREGON NOTICE OF DEFAULT AND ELECTION TO SELL

T.S. No: D392534 OR Unit Code: D Loan No: 1044890581/COHARA Investor No:
4005585225
AP #1: R883589
Title #: 4197051

Reference is made to that certain Trust Deed made by SCOTT M COHARA, BROOKE J COHARA as Grantor, to AMERITITLE as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. IS A SEPARATE CORPORATION THAT IS ACTING SOLELY AS NOMINEE FOR FIRST FRANKLIN FINANCIAL CORP., AN OP. SUB. OF MLB&T CO., FSB as Beneficiary.

Dated May 24, 2007, Recorded May 31, 2007 as Instr. No. 2007-009811 in Book --- Page --- of Official Records in the office of the Recorder of KLAMATH County; OREGON

covering the following described property situated in said county and state to wit:
UNIT 10573 (MCGUIRE AVENUE), TRACT 1336-FALCON HEIGHTS
CONDOMINIUMS - STAGE 1 ACCORDING TO THE OFFICAL PLAT THEREOF ON
FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

The street or other common designation if any, of the real property described above is
purported to be:
10573 MCGUIRE AVE, KLAMATH FALLS, OR 97603

The undersigned Trustee disclaims any liability for any incorrectness of the above street or other common designation.

The undersigned DAVID A. KUBAT, OSBA #84265 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. Further, 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 provisions. The default for which foreclosure is made is Grantor's failure to pay when due the following sums:

F34

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T.S. No: D392534 OR Unit Code: D Loan No: 1044890581/COHARA Investor No:
4005585225

| | |
|---|------------|
| 4 PYMTS FROM 04/01/09 TO 07/01/09 @ 930.97 | \$3,723.88 |
| 3 L/C FROM 04/16/09 TO 06/16/09 @ 39.35 | \$118.05 |
| ACCRUED LATE CHARGES | \$78.70 |
| MISCELLANEOUS FEES | \$46.50 |
| RECOVERABLE BALANCE IN THE AMOUNT OF \$117.00 | \$117.00 |
| Sub-Total of Amounts in Arrears: | \$4,084.13 |

Together with any default in the payment of recurring obligations as they become due.

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: Principal \$107,111.81 together with interest as provided in the note or other instrument secured from 03/01/09, and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes Section 86.705 to 86.795 and to cause to be sold at public auction to the highest bidder for cash the interest in the said described property which the Grantor had, or had the power to convey, at the time of the execution by Grantor of the Trust Deed, together with any interest the Grantor or his successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said 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.

Said sale will be held at the hour of 10:00 A.M. in accord with the standard of time established by O.R.S.187.110 on November 23, 2009 at the following place:
INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET KLAMATH FALLS , County of KLAMATH, State of Oregon.

Other than as shown of record, neither the said beneficiary or the said 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 the 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

T.S. No:

Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five days before the trustee conducts 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 of Trust Deed, and in addition to paying said sums or tendering the performance necessary to cure 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 O.R.S. 86.753.


In construing this notice, the masculine gender includes the feminine and the neuter, the singular gender includes the plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other person owing an obligation, the performance, of which is secured by said Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

We are assisting the Beneficiary to collect a debt and any information we obtain will be used for that purpose whether received orally or in writing.

DATED: 7/15/09

DAVID A. KUBAT, OSBA #84265

By


David A. Kubat, Attorney at Law

DIRECT INQUIRIES TO:
T.D.SERVICE COMPANY
FORECLOSURE DEPARTMENT
1820 E. FIRST ST., SUITE 210
P. O.BOX 11988
SANTA ANA, CA 92711-1988
800/843-0260

T.S. No:

STATE OF WASHINGTON)
COUNTY OF KING)SS

On 7/15/09 before me, DENNIS E. ROBERTS
personally appeared DAVID A. KUBAT

personally known to me (or 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.

WITNESS my hand and official seal.

Signature Dennis E. Roberts (Seal)

DENNIS E. ROBERTS
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
04-09-11