

2009-012538

Klamath County, Oregon



00072966200900125380030031

09/22/2009 03:25:37 PM

Fee: \$31.00

After recording return to:
Attn: Foreclosure Department
RECONTRUST COMPANY, N.A.
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065
ATE 67126

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain Trust Deed made by RICHARD C MAGGARD, A MARRIED MAN, as grantors, to FIRST AMERICAN TITLE INSURANCE CO, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 11/23/2004, recorded 11/29/2004, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume Number M04 at Page Number 81936 as Recorder's fee/file/instrument/microfilm/reception Number -, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED FOR LEGAL DESCRIPTION

PROPERTY ADDRESS: 39520 DUSTY LN

CHILOQUIN, OR 97624

There is default by the grantor or other person, or by their successor in interest, 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 grantors' failure to pay when due the following sums: monthly payments of \$1,521.92 beginning 12/01/2008; plus late charges of \$ 64.53 each month beginning 12/01/2008 payment plus prior accrued late charges of \$-322.65; plus advances of \$ 30.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

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: \$198,877.65 with interest thereon at the rate of 6.25 percent per annum beginning 11/01/2008 plus late charges of \$ 64.53 each month beginning 12/01/2008 until paid; plus prior accrued late charges of \$-322.65; plus advances of \$ 30.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

NOTICE OF DEFAULT AND ELECTION TO SELL
RE: Trust Deed from
RICHARD C MAGGARD,
Grantor
To
RECONTRUST COMPANY, N.A.,
Trustee TS No. 09 -0138209

For Additional Information:
Please Contact
Foreclosure Department
RECONTRUST COMPANY, N.A.
RECONTRUST COMPANY, N.A.
1800 Tapo Canyon Rd., CA6-914-01-94
SIMI VALLEY, CA 93063
(800)-281-8219

Notice is hereby given that the Beneficiary and Trustee, by reason of said 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 the grantor had, or had the power to convey, at the time the grantor executed the Trust Deed, together with any interest the grantor or grantor's successors 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 reasonable fees of Trustee's attorneys.

ATE
#34

The sale will be held at the hour of 10:00 AM , in accordance with the standard of time established by ORS 187.110 on Friday, January 29, 2010, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the city of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

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 every other default complained of herein by tendering the performance required under the obligation or Trust Deed, 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.

In constructing this notice, the singular 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.

RECONTRUST COMPANY, N.A.

Heidi Recinos
Heidi Recinos, Team Member

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss.

B.P. Flores

~~THELMA MACIAS~~

On 9-18-09, before me, _____, notary public, personally appeared Heidi Recinos, 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.

B.P. Flores
Notary Public for CALIFORNIA
My commission expires: 6-18-2011

(SEAL)

THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER IF YOU HAVE OR ARE IN THE PROCESS OF OBTAINING DISCHARGE OF THE DEBT FROM A BANKRUPTCY COURT, THIS DOCUMENT IS NOT AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF LIEN RIGHTS AGAINST THE PROPERTY.

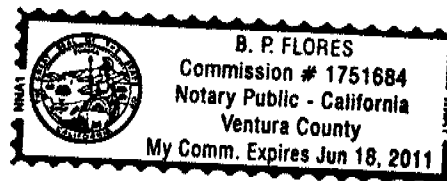


Exhibit A

A parcel of land situated in Lot 3 and Lot 6 of Block 1 of Tract 1118, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, also being in the SE 1/4 of the NW 1/4 of Section 36, Township 34 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of said Lot 3; thence North 89° 55' 37" West, along the South line of said Lot 3, 355.35 feet; thence North 50° 06' 19" West 706.16 feet to the Southwest corner of said Lot 6; thence North, along the West line of said Lot 6, 613.45 feet, more or less, to a point 485.00 feet South of the Northwest corner of said Lot 6; thence East, parallel to the North line of said Lot 6; 897.83 feet to a point on the East line of said Lot 6; thence South 00° 02' 14" West 613.45 feet to the Easterly corner common to said Lots 3 and 6; thence continuing South 00° 02' 14" West 453.37 feet to the point of beginning, with bearings based on the Plat of said Tract 1118.

**CODE 117 & 008 MAP 3408-03600 TL 00801 KEY #38943
CODE 008 & 117 MAP 3408-03600 TL 00801 KEY #883433
CODE 008 MAP 3408-03600 TL 00700 KEY #210391**