

2009-012950

Klamath County, Oregon

## NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from: JOHN M. GRUBB AND  
JEANNE ANN GRUBB, HUSBAND AND WIFE,  
Grantor

To: Fidelity National Title Insurance Company,  
Successor Trustee

After recording return to(name, address, zip):

ATE 67184  
Fidelity National Title Insurance Company  
17592 E. 17th Street, Suite 300  
Tustin, CA 92780



00073460200900129500030037

10/01/2009 11:36:04 AM

Fee: \$47.00

TS No: 09-05674-6 OR - Loan No: 4001438912

Reference is made to that certain trust deed made by JOHN M. GRUBB AND JEANNE ANN GRUBB, HUSBAND AND WIFE, as grantor, to LAWYERS TITLE INSURANCE CORPORATION, as trustee, in favor of AMERIQUEST MORTGAGE COMPANY, as beneficiary, dated as of January 5, 2005, and recorded January 14, 2005, in the Records of Klamath County, Oregon, in Book M05 at Page 03189-208, covering the following described real property situated in the above-mentioned county and state, to wit: APN: R560903 - THE EASTERLY 15 FEET OF LOT 10, GRACE PARK, ACCORDING TO THE OFFICAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON.  
ALSO THAT VACATED PORTION OF OXBOW STREET ADJOINING LOT 10 ON THE EAST AS DESCRIBED IN BOOK M-71 AT PAGE 2187, DEED RECORDS OF KLAMATH COUNTY, OREGON, RECORDED MARCH 12, 1971.

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:  
Principal balance \$155,717.64

**Delinquent Payments**

<u>FROM</u>	<u>THRU</u>	<u>NO. PMTS</u>	<u>INT. RATE</u>	<u>AMOUNT</u>	<u>GRAND TOTAL</u>
04/01/2009	09/28/2009	6	9.37500%	\$1,437.85	\$8,627.10

**Late Charges**

Grand Total Late Charges	\$400.56
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**Beneficiary's Advances, Costs and Expenses**

Grand Total	\$0.00
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Trustee's Fees and Costs	\$ 919.50
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<b>GRAND TOTAL REQUIRED TO REINSTATE</b>	<b>\$9,947.16</b>
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ATE 67184

TS No :09-05674-6OR

Loan No: 4001438912

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: failed to pay payments which became due; together with late charges due; together with other fees and expenses incurred by the Beneficiary;

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 **February 16, 2010**, at the following place: **on the front steps of the Circuit Court, 316 Main Street., in the City of Klamath Falls, County of Klamath, Oregon.**

FOR SALE INFORMATION CALL: **714-247-7500**

Website for Trustee's Sale Information: **[www.fidelityasap.com](http://www.fidelityasap.com)**

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:

JEANNE ANN GRUBB  
6015 ONYX AVENUE  
KLAMATH FALLS, OR 97603

Borrower

JOHN M GRUBB  
6015 ONYX AVENUE  
KLAMATH FALLS, OR 97603

Borrower

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), together with costs, trustee's and attorney's fees, 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, at any time prior to five days before the date last set for sale.

FOR FURTHER INFORMATION CONTACT:  
DEFAULT RESOLUTION NETWORK  
17592 E. 17th Street, Suite 300  
Tustin, CA 92780  
714-508-5100

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 September 29, 2009

Fidelity National Title Insurance Company, Successor Trustee



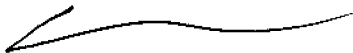
Michael Busby, Authorized Signor

State of California )ss.  
County of Orange )ss.

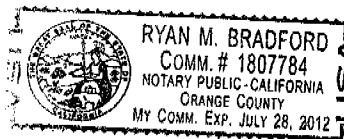
On September 29, 2009, before me, Ryan M. Bradford, a Notary Public, personally appeared Michael Busby, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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.



Ryan M. Bradford # 1807784  
My Commission Expires 7/28/2012



(Seal)