

2009-013750

Klamath County, Oregon



00074412200900137500040044

[RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:]

Fidelity National Title Insurance Company
c/o Trustee Corps
2112 Business Center Drive, 2nd floor
Irvine, CA 92612
(949) 252-8300
ATE 67237

10/22/2009 03:13:10 PM

Fee: \$52.00

[space above this line for recorder's use only]

Trustee Sale #: OR0858571 Loan #: 66171100597659 Order #: 090714354

NOTICE OF DEFAULT AND ELECTION TO SELL

Pursuant to O.R.S. 86.705 et seq.

Reference is made to that certain Deed of Trust made by: DENNIS L. FIEGI AND BETTY J. FIEGI AN ESTATE IN FEE SIMPLE AS TENANTS BY THE ENTIRETY, as Grantor to FIRST AMERICAN TITLE, as Trustee, in favor of HOUSEHOLD FINANCE CORPORATION II, as Beneficiary, dated 03/23/2000 and Recorded on 03/27/2000 as VOL M00 PAGE 9864 AND RE-RECORDED ON 05/22/2000 AS VOL M00 PAGE 18519, covering the following described real property situated in Klamath county, state of Oregon, to-wit:

SEE ATTACHED EXHIBIT "A"

APN# R-3908-012DB-02300-000

Property Address: 3734 ORINDALE RD, KLAMATH FALLS, OR 97601

The undersigned hereby certifies that no Assignments of the Deed of Trust 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 debt, or any part thereof, now remaining secured by the said Deed of Trust, or, if such action has been instituted, such action has been dismissed except as permitted by O.R.S. 86-735 (4).

There is a default by the Grantor or other person owing an obligation, the performance of which is secured by said Deed of Trust, 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:

1. The monthly payment of **\$764.32** beginning on **03/28/2009**, and monthly late charges in the amount of **\$38.22** to-date; plus advances of \$.

By reason of said default, the Beneficiary has declared all sums owing on the obligation secured by said Deed of Trust immediately due and payable, said sums being the following:

1. Principal of **\$70,685.21** and accruing interest as of **02/28/2009** at the rate of **11.496%** per annum from **02/28/2009** until paid.
2. **\$267.54** in late charges.
3. Together with title expenses, costs, Trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the

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Beneficiary for the protection of the above described real property and its interest therein.

Notice hereby is given that the Beneficiary and Trustee, by reason of said default, have elected and do hereby elect to foreclose said Deed of Trust by advertisement and sale pursuant to O.R.S. 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 execution by Grantor of the Deed of Trust, together with any interest the Grantor or his successors in interest acquired after the execution of the Deed of Trust, to satisfy the obligations secured by said Deed of Trust 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 **10:00AM** in accord with the standard of time established by O.R.S. 187.110 on **03/02/2010** at the following place: **ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH, OR**, County of **Klamath**, State of **Oregon**, which is the hour, date and place set for said sale.

Other than as shown of record, neither the said Beneficiary nor 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 Deed of Trust, or of any successor in interest to the grantor or of any lessee or other person in possession of or occupying the property, except: **NONE**

Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five (5) days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Deed of Trust 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 Deed of Trust, and 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 Deed of Trust, together with Trustee's and attorney's fees not exceeding the amounts provided by said O.R.S. 86.753.

In construing this notice, 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 Deed of Trust, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO
COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT
PURPOSE.**

Dated: _____

LSI TITLE COMPANY OF OREGON, as Successor Trustee

By: G. Sheppard

C/O TRUSTEE CORPS
2112 Business Center Dr, 2nd Floor
Irvine, CA 921612
PH 949-252-8300
FAX 949-252-8330

State of California

County of Orange

On 10-21-2009, before me, Myriams Gaby Saez, (name and title of the officer), personally appeared Geraldin Sheppard, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledgement 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 OR PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Myriams Gaby Saez

(Seal)



EXHIBIT "A"

DESCRIPTION OF PROPERTY

That portion of Tract 10, DEWITT HOME TRACTS, according to the official plat thereof, described as follows: Beginning at the Southeast corner of said Tract 10 of DeWitt Home Tracts; running thence West along South line of said Tract 10 a distance of 145.8 feet; thence North 128.2 feet; thence East 145.8 feet, more or less, to East line of said Tract 10; thence South along the East line of said Tract 10, 128.2 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM: Beginning at the Southeast corner of Tract 10 of DeWitt Home Tracts; running thence North along the East line of said Tract 10 a distance of 64.3 feet for the true point of beginning of the tract herein described; thence West 82.9 feet to a point; thence South 64.3 feet to a point; thence West 62.9 feet to a point; thence North and parallel to the East side of said Lot 10, 128.2 feet to a point; thence East and parallel to the south side of said Lot 10, 145.8 feet to the East side of said Lot 10; thence South along the East side of said Lot 10, 63 feet to the true point of beginning.

unnotified copy