

2009-013997

Klamath County, Oregon



00074701200900139970030034

10/29/2009 11:52:05 AM

Fee: \$47.00

NOTICE OF DEFAULT AND ELECTION TO SELL

Re: Deed of Trust, Darin L. Mullica and Jennifer A. Mullica, Grantor(s)

To: Katrina E. Glogowski, Successor Trustee

After Recording Return to:
Katrina E. Glogowski
Glogowski Law Firm, PLLC
600 First Ave Ste 501
Seattle, WA 98104

FILE NO. ITS-OR-09-040

Reference is made to that certain warranty deed made by Thomas J. Gallacher as grantor(s) to Darin L. Mullica and Jennifer A. Mullica, recorded in the records of Klamath County, Oregon at Volume M96 Page 38650.

Reference is made to that certain trust deed made by Darin L. Mullica and Jennifer A. Mullica, Grantor(s), to H & L Services, Inc., trustee, in favor of Green Tree Financial Servicing Corporation, as beneficiary, recorded December 11, 1996, in the Records of Klamath County, Oregon as Instrument No. Volume M96 Page 38651, and Katrina E. Glogowski being the successor trustee, covering the following described real property situated in the above-mentioned county and state, to wit: APN: R494129; Lot 1, Block 4, Tract 1046, Round Lake Estates, in the County of Klamath, State of Oregon, together with a security interest in that certain 1997, 41/2 x28 Lakeside Mobile Home Serial Number 11824105; Commonly known as 13904 Meadowbrook Lane, Klamath Falls, OR 97601.

The undersigned hereby certified 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 buy 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:

Delinquent Payments

From	Thru	Rate	Amount	Total
May, 2009	Oct, 2009	8.24%	\$531.84	\$2,706.88
Late Charges:				\$25.00
Delinquent Real Property Taxes				\$1,924.17
Beneficiary Advances:				\$3,500.00 (est.)

TOTAL REQUIRED TO REINSTATE:

\$8,156.05

* This amount is estimated and needs to be confirmed prior to the submission of a payment as regular monthly payments, advances and other charges continue to accrue during the pendency of this notice.

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: \$67,631.70 with interest thereon at the rate of 8.24% beginning on May 1, 2009; plus late charges beginning May 15, 2009, until paid; plus prior accrued late charges; plus advances of \$3,500.00; together with title expenses, costs, trustee's fees and attorneys' fee 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 is hereby 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 compensation of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The sale will be held at the hour of am, in accord with the standard of time established by ORS 187.110 on February 26, 2010 at 10:00 am, at the following place: On the front steps of the Klamath Falls County Circuit Court, 316 Main Street, Klamath Falls, OR, which is the hour, date and place last set for sale.

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:

<u>Name and Last Known Address</u>	<u>Nature of Right, Lien or Interest</u>
Darin & Jennifer Mullica 13904 Meadowbrook Ln Klamath Falls, OR 97601 Capital One Bank PO Box 6700 Norcross, GA 30091	Judgment Lien
Wachovia Dealer Services, Inc. 2143 Convention Center Way #210 Ontario, CA 91764	Judgment Lien
Carter-Jones Collection Service, Inc. 1143 Pine St Klamath Falls, OR 97601	Judgment Lien

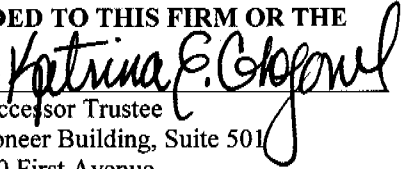
Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by 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 attorneys' fees not exceeding the amounts provided by ORS 86.753.

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.

This debt will be presumed to be valid unless you notify this firm in writing within thirty (30) days after receipt of this notice that you dispute the validity of the debt, or any portion thereof. If you dispute the validity of this debt or any portion thereof, and if you notify this firm of your dispute in writing within the thirty-day period, we will provide you with verification of the debt and mail such to you at the address to which this notice was sent. Upon your written request within the thirty-day period, we will provide you with the name and address of the original creditor according to our records if different than the present creditor.

THIS NOTICE SENT FOR THE PURPOSE OF COLLECTING A DEBT. THIS FIRM IS ATTEMPTING TO COLLECT A DEBT ON BEHALF OF THE HOLDER AND OWNER OF THE NOTE. ANY INFORMATION OBTAINED BY OR PROVIDED TO THIS FIRM OR THE CREDITOR WILL BE USED FOR THAT PURPOSE.

DATED: October 22, 2009

By 
Successor Trustee
Pioneer Building, Suite 501
600 First Avenue
Seattle, WA 98104
(206) 903-9966

STATE OF WASHINGTON)
COUNTY OF KING) ss.

I certify that I know or have satisfactory evidence that Katrina E. Glogowski signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN TO before me on October 22, 2009.

Mary Twidt
Mary Twidt

Notary Public in and for the State of Washington

Residing at Renton, Washington

My appointment expires 3/10/13

