

2009-014322

Klamath County, Oregon



00075096200900143220030034

11/06/2009 02:51:23 PM

Fee: \$47.00

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

ATE 66866

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain Trust Deed made by BRANDON C. ROBERTS A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY, as grantors, to AMERITITLE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 04/01/2005, recorded 04/12/2005, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume Number M05 at Page Number 25296 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 LEGAL DESCRIPTION

PROPERTY ADDRESS: 1916 ELDORADO BOULEVARD
KLAMATH FALLS, OR 97601

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 \$1,622.19 beginning 09/01/2008; plus late charges of \$ 65.18 each month beginning 09/01/2008 payment plus prior accrued late charges of \$-130.36; plus advances of \$788.75; 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: \$198,177.43 with interest thereon at the rate of 6.5 percent per annum beginning 08/01/2008 plus late charges of \$ 65.18 each month beginning 09/01/2008 until paid; plus prior accrued late charges of \$-130.36; plus advances of \$788.75; 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
BRANDON C. ROBERTS,
Grantor
To
RECONTRUST COMPANY, N.A.,
Trustee TS No. 09 -0160817

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 47

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 Thursday, March 18, 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.

Michelle
Team Member

STATE OF CALIFORNIA
) ss.

COUNTY OF VENTURA

On NOV. 4 2009, before me, Diane Bolton, notary public, personally appeared MICHELLE CHAVEZ, 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]

Notary Public for CALIFORNIA
My commission expires: _____

(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.

TS #09-0160817

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

A parcel of land located in the SE1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being a portion of Lot 15, Block 8, ELDORADO ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, being more particularly described as follows:

Beginning at the Southeasterly corner of Lot 15, Block 8, ELDORADO ADDITION to the City of Klamath Falls, Oregon; thence along the lot line common to Lots 15 and 16 North 24° 25' 52" East 64.58 feet; thence South 33 ° 54' 45" West 67.90 feet to a point on the Southwesterly line of said Lot 15; thence following said lot line 11.44 feet along the arc of a 353.30 foot radius curve to the left, the long chord of which bears South 77 ° 37' 40" East 11.44 feet to the point of beginning.

PARCEL 2:

Lot 16, Block 8, ELDORADO ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

EXCEPTING THEREFROM a parcel of land located in the SE1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; said parcel being a portion of Lot 16, Block 8, ELDORADO ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, and an adjacent portion of vacated Peach Street, being more particularly described as follows:

Beginning at a point on the lot line common to Lots 15 and 16, Block 8 in said Eldorado Addition from which the Southerly lot corner common to said Lots 15 and 16 bears South 24°25' 52" West 64.58 feet; thence along said lot line and the extension thereof North 24 °25' 52" East 41.69 feet to the Southwesterly right-of-way line of Eldorado Boulevard; thence following said right-of-way line 12.72 feet along the arc of a 1,493.96 foot radius curve to the left, the long chord of which bears South 39 °29' 40" East 12.72 feet; thence leaving said right of way line, South 43 °56' 10" West 30.60 feet; thence South 33 ° 54' 45" West 7.36 feet to the point of beginning.