

2009-014984

Klamath County, Oregon



00075855200900149840030032

11/23/2009 11:26:41 AM

Fee: \$47.00

After recording return to:
Attn: Foreclosure Department
RECONTRUST COMPANY, N.A.
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065
ATE 67337

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain Trust Deed made by ROBERT L. WINCHELL AND CHRISTINA E. WINCHELL AS TENANTS BY THE ENTIRETY, as grantors, to UNITED TITLE COMPANY, A CALIFORNIA CORPORATION, as Trustee, in favor of AMERIFUND LENDING GROUP, as Beneficiary, dated 11/29/2005, recorded 10/18/2006, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2006-020936, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED FOR LEGAL DESCRIPTION

PROPERTY ADDRESS: 7746 REEDER RD

KLAMATH FALLS, OR 97603

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 \$2,189.53 beginning 07/01/2007; plus late charges of \$ 96.46 each month beginning 07/01/2007 payment plus prior accrued late charges of \$-278.91; plus advances of \$1,224.95; 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: \$541,312.35 with interest thereon at the rate of 7.875 percent per annum beginning 06/01/2007 plus late charges of \$ 96.46 each month beginning 07/01/2007 until paid; plus prior accrued late charges of \$-278.91; plus advances of \$1,224.95; 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
ROBERT L WINCHELL and CHRISTINA E WINCHELL,
Grantor

To
RECONTRUST COMPANY, N.A.,
Trustee TS No. 09 -0169318

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.

ATE47

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 Monday, March 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.

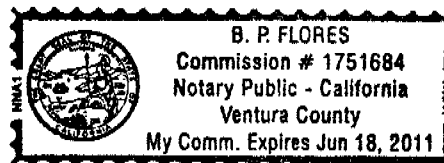
On 11-18-09, before me, B. P. Flores, notary public, personally appeared Heidi Recinos, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same 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.

BP 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.



TS#09-0169318

ALTA Commitment
ASP

ORDER NO: 3424833
FILE NO: 26676346
LENDER REF: 1997

LEGAL DESCRIPTION

The land referred to in this policy is situated in the **STATE OF OREGON, COUNTY OF KLAMATH, CITY OF KLAMATH FALLS**, and described as follows:

A TRACT OF LAND SITUATED IN THE SE 1/4 OF SECTION 19, TOWNSHIP 39 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN WHICH MARKS THE CORNER COMMON TO SECTIONS 19, 20, 29 AND 30; THENCE WEST 685 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID SECTION 19 TO THE SOUTH LINE OF THE PROPERTY DESCRIBED IN VOLUME M69 PAGE 9420, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE NORTH 87°09' EAST 685 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF SAID PROPERTY DESCRIBED IN VOLUME M69 PAGE 9420, DEED RECORDS OF KLAMATH COUNTY, OREGON, TO THE EAST LINE OF SAID SECTION 19; THENCE SOUTH 1000 FEET, MORE OR LESS TO THE POINT OF BEGINNING, EXCEPT THAT PORTION LYING WITHIN THE RIGHT OF WAY OF REEDER ROAD.

APN:R598730