

2010-000039

Klamath County, Oregon

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from: BARAJAS, JUAN
BARAJAS, DELORES, Grantor

To: Fidelity National Title Insurance Company,
Successor Trustee

ATE 67391

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

Fidelity National Title Insurance Company
30 Corporate Park, Suite 400
Irvine , CA 92606

TS No: OR15000035-09-1 - Loan No: 0016005589



00077478201000000390040048

01/04/2010 03:33:20 PM

Fee: \$52.00

090847927-OR-GNO

Reference is made to that certain trust deed made by BARAJAS, JUAN BARAJAS, DELORES, as grantor, to REGIONAL TRUSTEE SERVICES, as trustee, in favor of HSBC CONSUMER LENDING, as beneficiary, dated as of November 25, 2006, and recorded November 29, 2006, in the Records of Klamath County, Oregon, Instrument No. 2006-023749, covering the following described real property situated in the above-mentioned county and state, to wit: APN: R559915 - SEE ATTACHED EXHIBIT "A"

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:

1. The monthly payment of 1343.55 beginning on 08/01/2009, and monthly late charge in the amount of 67.18 to-date.

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 balance of \$175,323.84 and accruing interest as of 07/01/2009 per annum from 07/01/2009 until paid.
2. 67.18 in late charges.
3. Together with title expenses, costs, trustees fees and attorney fees incurred here in 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 there in.

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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;

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 **May 12, 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: <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: **NONE**

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.

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.

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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 December 29, 2009

LSI Title Company of Oregon, as Successor Trustee

G. Sheppard
By G. Sheppard, Authorized Signor

C/O Trustee Corps
30 Corporate Park, Suite 400
Irvine, CA 92606
949-252-8300

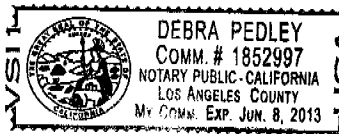
State of California } ss.
County of Orange } ss.

On 12/31/09, before me, **Debra Pedley**, a Notary Public, personally appeared G. 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 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.

Debra Pedley
Debra Pedley



My Commission Expires :

June 8, 2013

(Seal)

Exhibit A

Lot 20 and the Southerly 20 feet of Lot 21, VALLEY VIEW, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon, EXCEPTING THEREFROM the following described tract:

A strip of land situated in Lot 20, "VALLEY VIEW", according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon, more particularly described as follows:

Beginning at a 3/8 inch iron pin on the Southwest corner of said Lot 20; thence North 00° 13' West along the Easterly line of Patterson Street a distance of 65.29 feet to a one-half inch iron pin; thence South 66° 59' East a distance of 130.59 feet to a one-half inch iron pin on the Easterly boundary of Valley View Subdivision; thence South 00° 13' East along said Easterly boundary a distance of 65.29 feet to the Southeast corner of Valley View Subdivision; thence North 66° 59' West along the Southerly boundary of Valley View Subdivision a distance of 130.59 feet to the point of beginning; and as shown on Survey Map No. 1172 as recorded in the office of the Klamath County Surveyor.

CODE: 041 MAP: 3909-012BA TL: 01800 KEY: 559915