

2010-000238

Klamath County, Oregon



00077703201000002380030036

01/07/2010 01:57:29 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 67190

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain Trust Deed made by ENRIQUETA DIAZ, AND JUAN DIAZ, AND SALVADOR DIAZ, as grantors, to ASPEN TITLE & ESCROW, INC., as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 06/13/2007, recorded 06/15/2007, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2007-010816, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED LEGAL DESCRIPTION

PROPERTY ADDRESS: 6939 HENLEY RD

KLAMATH FALLS, OR 97603-9418

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 \$1,708.23 beginning 07/01/2009; plus late charges of \$ 75.85 each month beginning 07/01/2009 payment plus prior accrued late charges of \$-151.70; plus advances of \$ 15.00; 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: \$234,701.02 with interest thereon at the rate of 6.5 percent per annum beginning 06/01/2009 plus late charges of \$ 75.85 each month beginning 07/01/2009 until paid; plus prior accrued late charges of \$-151.70; plus advances of \$ 15.00; 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

ENRIQUETA DIAZ,

Grantor

To

RECONTRUST COMPANY, N.A.,

Trustee

TS No. 09 -0184482

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.

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 Wednesday, May 19, 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.

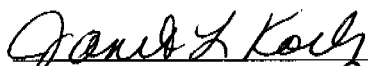
RECONTRUST COMPANY, N.A.

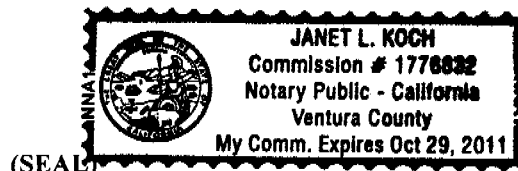

Michelle Chavez, Team Member

STATE OF CALIFORNIA)
COUNTY OF VENTURA ss.

On JAN-05, 2010, before me, **JANET L. KOCH**, 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.


Notary Public for CALIFORNIA
My commission expires: Oct 29, 2011



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# 09-0184482

Exhibit A

That portion of the N 1/2 of the NE 1/4 of Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point on the North line of said Section 25, 774.9 feet East from the North quarter corner thereof; thence East along the North section line to the right of way line of the U.S. Canal; thence Southeast along said right of way to a point which is 560 feet Northwest along said right of way from the intersection of said right of way with the North line of the County Road; thence South 89° 33' West 1040.8 feet; thence South 0° 27' East 552.6 feet, more or less, to a point on the North line of the County Road; thence South 89° 33' West along the North line of said County Road 60 feet; thence North 0° 27' West to the place of beginning.

EXCEPTING THEREFROM a parcel of land situate in the N 1/2 of the NE 1/4 of Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the North line of Section 25, 774.9 feet East from the North quarter corner thereof; thence South 0° 27' East to a point on the North line of the County Road; thence North 89° 33' East along the North line of the County Road 60 feet to a point; thence North 0° 27' West to a point on the North line of said Section 25; thence West along the North line of Section 25 a distance of 60 feet, more or less, to the point of beginning.

TOGETHER WITH an Easement for ingress and egress as described in Grant of Easement recorded February 10, 1981 in Book M-81 at Page 3804, Microfilm Records of Klamath County, Oregon.

CODE 198 MAP 3909-025A0 T1. 01980 KEY #584031