

2010-000285

Klamath County, Oregon



0007775920100002850050053

01/08/2010 03:08:05 PM

Fee: \$57.00

RECORDING REQUESTED BY

T.D. SERVICE COMPANY

and when recorded mail to

T.D. SERVICE COMPANY
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988

1st 15116890 Space above this line for recorder's use _____

OREGON NOTICE OF DEFAULT AND ELECTION TO SELL

T.S. No: D507009 OR Unit Code: D Loan No: 1044843087/BANKS Investor No:
4001244576
Title #: 4346919

Reference is made to that certain Trust Deed made by ROB BANKS, PATRICIA BANKS as Grantor, to AMERI TITLE as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. IS A SEPARATE CORPORATION THAT IS ACTING SOLELY AS NOMINEE FOR FIRST FRANKLIN FINANCIAL CORP., AN OP. SUB. OF MLB&T CO., FSB as Beneficiary.

Dated January 31, 2007, Recorded February 1, 2007 as Instr. No. 2007-001824 in Book ---
Page --- of Official Records in the office of the Recorder of KLAMATH County; OREGON

covering the following described property situated in said county and state to wit:
SEE ATTACHED EXHIBIT

The street or other common designation if any, of the real property described above is
purported to be:
4816 SUMMERS LN, KLAMATH FALLS, OR 97603

The undersigned Trustee disclaims any liability for any incorrectness of the above street or
other common designation.

The undersigned DAVID A. KUBAT, OSBA #84265 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 mortgage records of the county or counties
in which the above described real property is situated. Further, that no action has been
instituted to recover the debt, or any part thereof, now remaining secured by the said 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 the Grantor or other person 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 provisions. The default
for which foreclosure is made is Grantor's failure to pay when due the following sums:

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T.S. No: D507009 OR Unit Code: D Loan No: 1044843087/BANKS Investor No:
4001244576

2 PYMTS FROM 07/01/09 TO 08/01/09 @ 659.34	\$1,318.68
2 L/C FROM 07/16/09 TO 08/16/09 @ 27.66	\$55.32
5 PYMTS FROM 09/01/09 TO 01/01/10 @ 659.34	\$3,296.70
4 L/C FROM 09/16/09 TO 12/16/09 @ 27.66	\$110.64
ACCRUED LATE CHARGES	\$193.62
CREDIT DUE	<\$485.07>
IMPOUND/ESCROW DEFICIT	\$843.82
MISCELLANEOUS FEES	\$62.50
RECOVERABLE BALANCE IN THE AMOUNT OF \$195.00	\$195.00
Sub-Total of Amounts in Arrears:	\$5,591.21

Together with any default in the payment of recurring obligations as they become due.

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: Principal \$79,286.20 together with interest as provided in the note or other instrument secured from 06/01/09, and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes Section 86.705 to 86.795 and to cause to be sold at public auction to the highest bidder for cash the interest in the said described property which the Grantor had, or had the power to convey, at the time of the execution by Grantor of the Trust Deed, together with any interest the Grantor or his successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said 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.

Said sale will be held at the hour of 10:00 A.M. in accord with the standard of time established by O.R.S.187.110 on May 17, 2010 at the following place:
INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET KLAMATH FALLS , County of KLAMATH, State of Oregon.

Other than as shown of record, neither the said beneficiary or the said 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 the grantor or of any lessee or other person in possession of or occupying the property, except:

NAME AND LAST KNOWN ADDRESS NATURE OF RIGHT, LIEN OR INTEREST

T.S. No:

Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five days before the trustee conducts 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 required under the obligation of Trust Deed, and in addition to paying said sums or tendering the performance necessary to cure 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 O.R.S. 86.753.

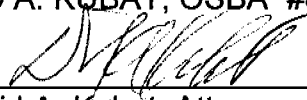
In construing this notice, the masculine gender includes the feminine and the neuter, the singular gender includes the plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other person owing an obligation, the performance, of which is secured by said Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

We are assisting the Beneficiary to collect a debt and any information we obtain will be used for that purpose whether received orally or in writing.

DATED: 01/06/2010

DAVID A. KUBAT, OSBA #84265

By


David A. Kubat, Attorney at Law

DIRECT INQUIRIES TO:
T.D.SERVICE COMPANY
FORECLOSURE DEPARTMENT
1820 E. FIRST ST., SUITE 210
P. O.BOX 11988
SANTA ANA, CA 92711-1988
800/843-0260

T.S. No:

STATE OF WASHINGTON)
COUNTY OF KING)SS

On 01/06/2010 before me, DENNIS E. ROBERTS
personally appeared DAVID A. KUBAT

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 Dennis E. Roberts (Seal)

DENNIS E. ROBERTS
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
04-09-11

EXHIBIT "A"
LEGAL DESCRIPTION

A parcel of land situate in the NE1/4 of the NE1/4 of Section 15, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon being more particularly described as follows:

Beginning at an iron pin on the Westerly right of way line of Summers Lane, which lies South 0°, 10' East along the Section line a distance of 748.7 feet and North 88° 39' West a distance of 30 feet from the iron axle which marks the Northeast corner of Section 15, Township 39 South, Range 9 East of the Willamette Meridian, and running thence; Continuing North 88° 39' West a distance of 275.4 feet to an iron pin; thence South 0° 10' East parallel to the Section line a distance of 78.4 feet to an iron pin; thence South 88° 39' East 275.4 feet to an iron pin on the Westerly right of way line of Summers Lane; thence North 0° 10' West along the Westerly right of way line of Summers Lane a distance of 78.4 feet, more or less, to the point of beginning, being in the NE1/4 of the NE1/4 of Section 15, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.