

2010-000632

Klamath County, Oregon



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01/19/2010 03:05:14 PM

Fee: \$47.00

After Recording Return To:  
Bishop, White & Marshall, P.S.  
720 Olive Way, Suite 1301  
Seattle, WA 98101  
Attn: Angelique Connell

Ref: Bingham, Marcia A - 1686.0927171

1st 1513450

### NOTICE OF DEFAULT AND ELECTION TO SELL

**NOTICE: YOU ARE HEREBY NOTIFIED THAT THE AMOUNT OF YOUR INDEBTEDNESS TO THE BENEFICIARY, THEIR SUCCESSORS IN INTEREST AND/OR ASSIGNEES AS RECITED BEFORE, AS OF THE DATE OF THIS NOTICE, IS \$ 44,891.66 PLUS FORECLOSURE FEES AND COSTS AND ADVANCES IDENTIFIED BELOW, IF ANY. INTEREST FEES AND COSTS WILL CONTINUE TO ACCRUE AFTER THE DATE OF THIS NOTICE. UNLESS YOU DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF WITHIN 30 DAYS AFTER RECEIVING NOTICE OF THIS DOCUMENT, THIS OFFICE WILL ASSUME THE DEBT TO BE VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN THE 30-DAY PERIOD THAT THE DEBT OR ANY PORTION THEREOF IS DISPUTED, VERIFICATION OF THE DEBT WILL BE OBTAINED AND WILL BE MAILED TO YOU. UPON WRITTEN REQUEST WITHIN 30 DAYS, THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR, WILL BE PROVIDED.**

**NOTICE: WE ARE A DEBT COLLECTOR. THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR PURPOSES OF DEBT COLLECTION.**

Reference is made to that certain trust deed made by Marcia A Bingham, an unmarried individual, as grantor, to Aspen Title and Escrow, as trustee, in favor of First Mutual Bank, as beneficiary dated May 24, 2004, recorded June 8, 2004, in the mortgage records of Klamath County, Oregon, as Recording No. Vol M04 Pg 36840 covering the following described real property situated in said county and state, to-wit:

Lot 2, Block 51, First Addition to Klamath Forest Estates, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon

Together with that certain 40 x 80, FUQUA manufactured home more fully described in that certain Title Elimination document filed with the Recorder of Klamath County, Oregon on April 5, 2004 under Recording No. Volume M04 Page 36840.

The undersigned David A. Weibel 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 situate; 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).

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There is a default by the grantor or other persons owing an obligation, the performance of which is secured by said trust deed, or by their successor in interest with respect to provision therein which authorizes sale in the event of default of such provision; the default for which foreclosure is made is grantor's failure to pay when due the following sums:

**1. Monthly Payments:**

**Delinquent Monthly Payments Due from 8/1/2009 through**

**1/1/2010:**

**6 payment(s) at \$355.15**

**Total Payments:**

2,130.90

**Late Charges:**

**8 late charge(s) at \$12.85**

for each monthly payment not made within 15 days of its due date

102.80

**Total Late Charges**

Accrued Late Charges:

\$0.03

**THE SUM OWING ON THE OBLIGATION SECURED BY  
THE TRUST DEED:**

\$2,233.73

**2. Delinquent Real Property Taxes, if any.**

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:

Unpaid balance is \$44,891.66 as of January 12, 2010. In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property may accrue after the date of this notice

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 ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in said described property which the grantor had, or the power to convey, at the time of the execution by grantor of 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 said trust deed and the expenses of 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 11:00 am, in accord with the standard time established by ORS 187.110 on May 26, 2010, at the following place: at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, Klamath County, State of Oregon, which is the hour, date and place last set for said 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), paying all advances authorized under the deed of trust, including all costs and expenses incurred in enforcing the obligation and trust deed, and 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, and 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 said ORS 86.753.

In construing 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.

DATED: January 12, 2010.

David A. Weibel, Trustee

STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

On this 12<sup>th</sup> day of January, 2010, personally appeared David A. Weibel, who acknowledged that s/he signed the within foregoing instrument as his/her free and voluntary act and deed for the uses and purposes therein mentioned.

Angelique D. Connell  
Notary Public for Washington  
Residing at: King County  
My Commission Expires: 9-11-12



For Information Call:

Bishop, White & Marshall, P.S.  
720 Olive Way, Suite 1301  
Seattle, WA 98101  
(206) 622-7527