

2010-001243

Klamath County, Oregon

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from: KRISTINA EVATT, JOHN EVATT, Grantor

To: Fidelity National Title Insurance Company, Successor Trustee

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

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



00078847201000012430030030

01/28/2010 01:28:41 PM

Fee: \$47.00

TS No: OR08000024-09-1 - Loan No: 0012272761

090884204-OR-GNO

ATE 67456

Reference is made to that certain trust deed made by KRISTINA EVATT, JOHN EVATT, as grantor, to CAL-WESTERN RECONVEYANCE CORPORATION, as trustee, in favor of HSBC MORTGAGE SERVICES INC, as beneficiary, dated as of November 17, 2005, and recorded November 23, 2005, in the Records of Klamath County, Oregon, Instrument No. MO5-69751, covering the following described real property situated in the above-mentioned county and state, to wit: APN: R-3909-010DA-03500-000 - TRACT 7 OF LANDIS PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

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 894.60 beginning on 07/01/2009, and monthly late charge in the amount of 44.73 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 \$126,268.80 and accruing interest as of 06/01/2009 per annum from 06/01/2009 until paid.
2. 44.73 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.

TS No :OR08000024-09-1

Loan No: 0012272761

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 **June 4, 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: **714-730-2727**

Website for Trustee's Sale Information: **[www.lpsasap.com](http://www.lpsasap.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.**

TS No :OR08000024-09-1

Loan No: 0012272761

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 January 21, 2010

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

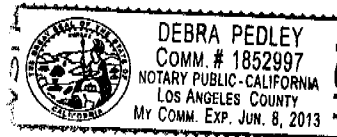
State of California }ss.  
County of *Orange* }ss

On **JAN 27 2010**, 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) 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.

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*



My Commission Expires : *Exp: June 8, 2013*

Debra Pedley

(Seal)