

2010-001953

Klamath County, Oregon



00079637201000019530020029

After recording return to:
Attn: Foreclosure Department
RECONTRUST COMPANY, N.A.
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065

02/05/2010 03:28:41 PM

Fee: \$42.00

ATE 67519

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain Trust Deed made by BRIAN K JOHNSTON AND TRACY ANN JOHNSTON, JESS VAN JOHNSTON AND MARILYN RUTH JOHNSTON, as grantors, to FIRST AMERICAN TITLE INSURANCE COMPANY, as Trustee, in favor of BANK OF AMERICA, N.A., as Beneficiary, dated 12/05/2005, recorded 12/15/2005, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number M05-71191, covering the following described real property situated in said county and state, to wit:

LOT 333, RUNNING Y RESORT - PHASE 4, SECOND ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 5060 CORMORANT LOOP

KLAMATH FALLS, OR 97601

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 \$1,330.06 beginning 05/01/2009; plus late charges of \$ 58.88 each month beginning 05/01/2009 payment plus prior accrued late charges of \$-176.64; plus advances of \$ 80.00; 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: \$253,491.52 with interest thereon at the rate of 4.5 percent per annum beginning 04/01/2009 plus late charges of \$ 58.88 each month beginning 05/01/2009 until paid; plus prior accrued late charges of \$-176.64; plus advances of \$ 80.00; 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
BRIAN K JOHNSTON,
Grantor**

**To
RECONTRUST COMPANY, N.A.,
Trustee TS No. 10 -0012818**

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

ATE #42

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, June 16, 2010, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street
, 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.

Teri Gerrish

Teri Gerrish, Team Member

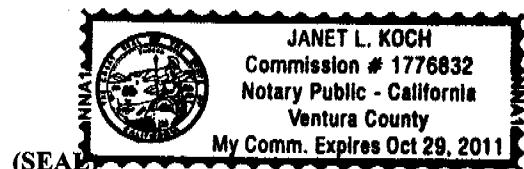
STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

On FEB 03 2010, before me, JANET L. KOCH, notary public, personally appeared TERI GERRISH, 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.

Janet L. Koch

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.