

2010-002228

Klamath County, Oregon



00079947201000022280030037

02/11/2010 03:26:55 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 67514

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain Trust Deed made by JOHN WALTER NEIPP AN UNMARRIED MAN, as grantors, to FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 09/07/2005, recorded 09/21/2005, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number M05-64798, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED LEGAL DESCRIPTION

PROPERTY ADDRESS: 4012 HOMEDALE ROAD

KLAMATH FALLS, OR 97603

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 \$1,014.65 beginning 10/01/2009; plus late charges of \$ 38.96 each month beginning 10/01/2009 payment plus prior accrued late charges of \$-161.68; plus advances of \$0.00; 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: \$214,705.95 with interest thereon at the rate of 3.875 percent per annum beginning 09/01/2009 plus late charges of \$ 38.96 each month beginning 10/01/2009 until paid; plus prior accrued late charges of \$-161.68; plus advances of \$0.00; 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
JOHN WALTER NEIPP,
Grantor
To
RECONTRUST COMPANY, N.A.,
Trustee TS No. 10 -0010421

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.

ATE 47

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.

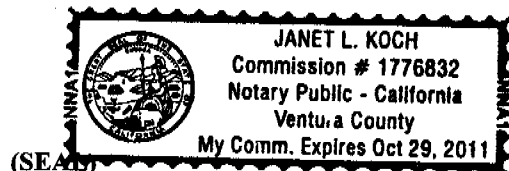
DANIEL RODRIGUEZ, Team Member

STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

On FEB 09 2010, before me, JANET L. KOCH, notary public, personally appeared Daniel B. Rodriguez, 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.

10- 10421

Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

The following property situated in the NW 1/4 SE 1/4, Section 11, Township 39 South, Range 9 East, Willamette Meridian, Klamath County, Oregon: Beginning at the quarter section corner common to Sections 11 and 14, Township 39 South, Range 9 East, Willamette Meridian; thence North 0°09' West along the North and South centerline of said Section 11, as marked on the ground by a Well established fence line, 1663.6 feet to a point on the centerline of Bristol Avenue, a 60 foot roadway; thence North 89°28' East 906.1 feet along said centerline to a point; thence North 0°12' West 30 feet to a point on the Northerly right of way line of said Avenue, said point also being the true point of beginning; thence North 0°12' West 278.9 feet; thence South 89°31' East 415.1 feet to a point on the Westerly right of way line of Homedale Road, a 60 foot roadway; thence South 0°16' East along said Westerly right of way line 271.0 feet, to a point marking the intersection of said Westerly right of way line and the Northerly right of way line of Bristol Avenue; thence South 89°28' West along said Northerly right of way line 415.4 feet, to the true point of beginning.

EXCEPTING THEREFROM that portion conveyed to Klamath County for road purposes, more particularly described as follows:

A parcel of land situated in the NW 1/4 SE 1/4 of Section 11, Township 39 South, Range 9 East, Willamette Meridian, Klamath County, Oregon, for road purposes and being a portion of that property described in Deed Volume M67 page 7962, recorded in the Klamath County Clerk's office being more particularly described as follows:

Commencing at the 1/4 corner common to Sections 11 and 14, Township 39 South, Range 9 East, Willamette Meridian; thence along the center section line of Section 11, North 00°10'58" West - 1,666.95 feet to a point on the centerline of Bristol Avenue; thence along the centerline of Bristol Avenue North 89°28'00" East - 1,313.08 feet to a point; thence North 00°32'12" West - 30.00 feet to a point at the intersection of the West right of way line of Homedale Road and the North right of way line of Bristol Avenue, said point also being the true point of beginning; thence along the West right of way line of Homedale Road North 00°32'12" West - 15.00 feet to a 5/8 inch iron pin; thence South 44°27'54" West - 21.21 feet to a 5/8 inch iron pin on the North right of way line of Bristol Avenue; thence along the North right of way line of Bristol Avenue North 89°28'00" East - 15.00 feet to the point of beginning. Bearings and distance are based on Survey No. 6621 on file in the Klamath County Surveyor's Office.

Tax Parcel Number: 557463