

2010-002593

Klamath County, Oregon



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RECORDING REQUESTED BY:

02/23/2010 02:53:32 PM

Fee: \$52.00

AND WHEN RECORDED MAIL TO:

First American Title Insurance Company
C/o Mortgage Lender Services, Inc.
4401 Hazel Ave, Ste 225
Fair Oaks, CA 95628

1st 1535898

NOTICE OF DEFAULT AND ELECTION TO SELL

T.S. NO.: fc25280-5 LOAN NO.: 0144028099 TITLE:4385457

Reference is made to that certain Trust Deed made by MAURICE SPILLANE, as Grantor to FIRST AMERICAN TITLE INSURANCE CO. OF OR., as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR LENDER, as Beneficiary, dated 10/11/2005 and recorded on 10/21/2005 AS INSTRUMENT NO. M05-67132, in records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

ACCOUNT NO.: R738483

Property Address: 8066 MATNEY WAY, KLAMATH FALLS, OR 97603

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 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 O.R.S. 86-735 (4).

There is a 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 grantor's failure to pay when due the following sums: monthly payments of \$1,323.15 beginning 12/01/2009, together with title expenses, 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.

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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 balance of \$194,275.21 with interest thereon at the rate of 6.750% per annum from 11/01/2009, together with any late charge(s), delinquent taxes, insurance premiums, impounds and advances; senior liens and encumbrances which are delinquent or become delinquent, together with title expense, costs, trustee's fees and any attorney's fees and court costs, and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

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 O.R.S. 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 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 10:00AM in accord with the standard of time established by O.R.S. 187.110 on 07/07/2010 at the following location: AT THE MAIN ENTRANCE TO THE COUNTY COURTHOUSE, 316 MAIN ST., KLAMATH FALLS, OR, which is the hour, date and place set for said sale.

Other than as shown of record, neither the said beneficiary nor 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.

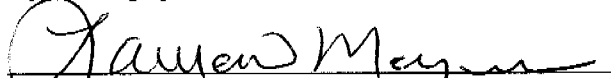
Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing 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 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 O.R.S. 86.753.

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 Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: February 18, 2010

FIRST AMERICAN TITLE INSURANCE COMPANY, TRUSTEE

By: Mortgage Lender Services, Inc., Agent


Lauren Meyer, Sr. Trustee Sale Officer

DIRECT INQUIRIES TO: SUNTRUST MORTGAGE INC., C/O MORTGAGE
LENDER SERVICES INC., 4401 HAZEL AVENUE, STE 225, FAIR OAKS, CA 95628
(916) 962-3453

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

On 2/18/2010, before me, Kimberli L. Sinerius, Notary Public, personally appeared Lauren Meyer, 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.

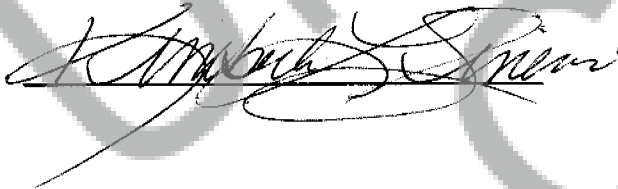




EXHIBIT "A"
LEGAL DESCRIPTION

A parcel of land situated in the E1/2 of the NW1/4 of Section 19, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Commencing at a point on the West boundary of the E1/2 of the NW1/4 of said Section 19 and on the South right of way line of Matney Road; thence Easterly along said South right of way line, 445.00 feet to the true point of beginning of this description; thence Southerly parallel with said West boundary of the E1/2 of the NW1/4, 590.00 feet; thence Easterly parallel with the South right of way line of said Matney Road, 340.00 feet; thence Northerly parallel with said West boundary of the E1/2 of the NW1/4, 340.00 feet; thence Easterly parallel with the South right of way line of said Matney Road, 215.00 feet, more or less to a point on the West right of way line of the Klamath Irrigation District "C" Canal; thence North and Northwesterly along said West right of way line, 250.00 feet to a point on the South right of way line of said Matney Road; thence Westerly along said South right of way line, 555.00 feet to the true point of beginning of this description.

Tax Account No: 4010-01900-00400-000

Key No: 738483

Unofficial Copy