

2010-003393

Klamath County, Oregon



00081356201000033930030038

03/16/2010 03:11:18 PM

Fee: \$52.00

1<sup>st</sup> 1543507

### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Floyd L. Percy, a single man, as grantors, to Aspen Title & Escrow, as trustee, in favor of Long Beach Mortgage Company, as beneficiary, dated 04/04/06, recorded 04/11/06, in the mortgage records of Klamath County, Oregon, as Volume M06 Page 07009, and subsequently assigned to Deutsche Bank National Trust Company, as Trustee for Long Beach Mortgage Loan Trust 2006-5 by Assignment recorded as 2009-002569, covering the following described real property situated in said county and state, to wit:

**PARCEL 1:**

A parcel of land in the NW 1/4 NW 1/4 of Section 31, Township 24 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and more particularly described as follows:

Beginning at a point along the West line of Section 31 from which the North one-sixteenth corner common to Sections 31 and 38 bears South 00 degrees 05' 43" West 418.67 feet; thence along the West line of Section 31, North 00 degrees 05' 43" East 331.51 feet to a point; thence along a line at right angle to U.S. Highway 97, South 64 degrees 43' 17" East 327.45 to a point; thence along a line parallel with U.S. Highway 97 and 250 feet from the centerline thereof, South 25 degrees 16' 43" West 120.00 feet to a # 5 steel rod; thence along a line at right angle to U.S. Highway 97, South 64 degrees 43' 17" East 200.00 feet to a # 5 steel rod along the Northwest line of U.S. Highway 97 and 50 feet from the centerline thereof; thence along the Northwest line of U.S. Highway 97, South 25 degrees 16' 42" West, 60.00 feet to a # 5 steel rod; thence along a line at right angle to U.S. Highway 97, North 64 degrees, 43' 17" West 200.00 feet to a #5 steel rod; thence along a line parallel with U.S. Highway 97, South 25 degrees 16' 43" West 120.00 feet to a #5 steel rod; thence along a line at right angle to U.S. Highway 97, North 64 degrees 43' 17" West 166.39 feet to the point of beginning, with bearings based on Survey # 3512 as filed with the Klamath County Engineers office.

**SAVING AND EXCEPTING THEREFROM THE FOLLOWING:**

Beginning at a point, a #5 steel rod set along the West line of Section 31, from which the Northwest corner of Section 31 bears North 00 degrees 05' 43" East 579.36 feet; thence along a line at a right angle to U.S. Highway 97, South 64 degrees 43' 17" East 239.81 feet to a #5 X 30" rod; thence along a line parallel with said Highway and 337.64 feet from the centerline thereof South 25 degrees 16' 43" West 300.00 feet to a # 5 X 30" steel rod; thence along a line at a right angle to said Highway North 64 degrees 43' 17" West 98.75 feet to a #5 steel rod set along the West line of Section 31; thence along the West line of Section 31, North 00 degrees 05' 43" East 331.51 feet to a point of beginning.

**NOTICE OF DEFAULT AND ELECTION TO SELL**

**RE: Trust Deed from  
Percy, Floyd L.**

**Grantor  
to**

**Northwest Trustee Services, Inc.,  
Successor Trustee**

**File No. 7258.26374**

**For Additional Information:**

**After Recording return to:**

**Chris Ashcraft**

**Northwest Trustee Services, Inc.**

**P.O. Box 997**

**Bellevue, WA 98009-0997**

**(425) 586-1900**

F

PARCEL 2:

The North 120 feet of a parcel of land described as follows:

Running East from the Northwest corner of Section 31, Township 24 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, 857.8 feet; thence running Southerly along the West line of the new Survey of U.S. Highway 97, 1085 feet to a point of description of tract herein conveyed; thence running Westerly at right angles to said U.S. Highway 97, 100 feet; thence Southerly parallel to U.S. Highway 97, 300 feet; thence Easterly at right angles to said U.S. Highway 97, 100 feet; thence Northerly along West line of said U.S. Highway 97, 300 feet to a point of beginning.

The North 120 feet of a parcel of land described as follows:

Beginning at a point 857.6 feet East of the Northwest corner of Section 31, Township 24 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence running Southerly along the West line of U.S. Highway 97, 1085 feet; thence Westerly at right angles to said U.S. Highway 97, 100 feet to the point of description for this conveyance; thence running Southerly parallel to said U.S. Highway 97, 300 feet; thence Westerly at right angles to said U.S. Highway 97, 100 feet; thence Northerly parallel to said U.S. Highway 97, 300 feet; thence Easterly at right angles to said U.S. Highway 97, 100 feet to the place of beginning.

PROPERTY ADDRESS: 135878 Highway 97 North  
Crescent, OR 97733

There is a default by the grantor or other person owing an obligation or by their successor in interest, 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 \$645.73 beginning 11/01/09; plus late charges of \$27.93 each month beginning 11/16/09; plus prior accrued late charges of \$176.36; plus advances of \$297.95; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

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: \$67,895.95 with interest thereon at the rate of 8.95 percent per annum beginning 10/01/09; plus late charges of \$27.93 each month beginning 11/16/09 until paid; plus prior accrued late charges of \$176.36; plus advances of \$297.95; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

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 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.

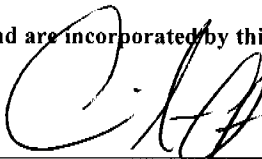
The sale will be held at the hour of 10:00 o'clock A.M., in accord with the standard of time established by ORS 187.110 on **July 27, 2010**, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

Notice is further given that for reinstatement or payoff quotes requested pursuant to ORS 86.745 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, [www.northwesttrustee.com](http://www.northwesttrustee.com).

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 said ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

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.

The trustee's rules of auction may be accessed at [www.northwesttrustee.com](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com).

  
Northwest Trustee Services, Inc., Trustee  
Northwest Trustee Services, Inc.

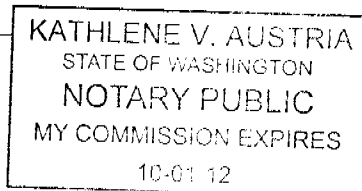
STATE OF WASHINGTON )

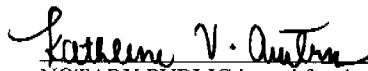
COUNTY OF KING )

) ss.  
)

I certify that I know or have satisfactory evidence that Chris Ashcraft is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as an Assistant Vice President of Northwest Trustee Services, Inc. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 03/15/10



  
NOTARY PUBLIC in and for the State of  
Washington, residing at Bellvue  
My commission expires 10/01/12

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE