

2010-003985

Klamath County, Oregon



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04/01/2010 02:15:54 PM

Fee: \$47.00

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

RE: Trust Deed from TRAVIS E. WARD Grantor

**To LSI TITLE COMPANY OF OREGON, LLC
Successor Trustee**

After recording return to(name, address, zip):
**Executive Trustee Services, LLC
 2255 North Ontario Street, Suite 400
 Burbank, California 91504-3120**

(818) 260-1600

SPACE RESERVED
FOR
RECORDER'S USE

TS No: **OR-177385-C**Loan No: **0570330704**

ATE 66583

Reference is made to that certain trust deed made by TRAVIS E. WARD as grantor, to AMERITITLE, as trustee in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR GMAC MORTGAGE CORPORATION, as beneficiary, dated 9/22/2004, recorded 9/27/2004, in the Records of Klamath County, Oregon, in book Vol M04 at page 64604, and/or as fee/file/instrument/microfilm/reception No. (indicate which), covering the following described real property situated in the above-mentioned county and state, to wit:

**APN: CODE: 046 MAP: R-3910-009DA-00800-000 KEY:R595163
 SEE ATTACHED EXHIBIT "A"**

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:

Delinquent Payments

<u>FROM</u>	<u>THRU</u>	<u>NO.</u> <u>PMTS</u>	<u>RATE</u>	<u>INT. ON</u> <u>PRINCIPAL</u>	<u>AMOUNT</u>	<u>IMPOUND</u>	<u>TOTAL</u>
6/1/2009	10/31/2009	5	5.125	\$3,112.44	\$517.32	\$237.87	\$3,775.95
11/1/2009		5	5.125	\$2,517.16	\$647.75	\$237.87	\$4,428.10

Total Late Charges: \$291.20

Beneficiary Advances

Accrued Late Charges \$181.02

MISC \$3,777.81

\$12,454.08

TOTAL FORECLOSURE COST: \$4,178.21

TOTAL REQUIRED TO REINSTATE: \$16,632.29

ATE 47

TS No :OR-177385-C

Loan No: 0570330704

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:

Unpaid principal balance of \$121,129.04; plus accrued interest plus impounds and / or advances which became due on 6/1/2009 plus late charges, and all subsequent installments of principal, interest, balloon payments, plus impounds and/or advances and late charges that become payable.

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 **8/9/2010**, at the following place: **On the front steps of the Circuit Court, 316 Main St, in the City of Klamath Falls, County of Klamath, Oregon**

County of Klamath, State of Oregon, which is the hour, date and place last set for sale.

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:

Name and Last Known Address

Nature of Right, Lien or Interest


TRAVIS E. WARD

11928 MALLORY DRIVE
KLAMATH FALLS, OR 97603-0000

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 any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying the 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 fees not exceeding the amounts provided by ORS 86.753.

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 3/29/2010


ESI-TITLE COMPANY OF OREGON, LLC
Successor Trustee

State of California) ss.
County of Los Angeles)

On 3/29/2010 before me, Corine Zacarias Notary Public, personally appeared Marvell L. Carmouche 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.

Signature

Corine Zacarias

(Seal)

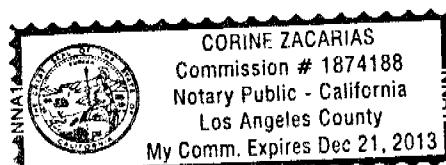


EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1:

A tract of land situated in the N 1/2 SE 1/4 of Section 9, Township 39 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the South right of way line of Mallory Drive and the East line of Lot 1, Block 3, PINE GROVE RANCHETTES; thence East along the South line of Mallory Drive 450.13 feet to the true point of beginning; thence South 0° 08' West 222 feet; thence East 194.71 feet; thence North 0 degrees 08' East 222 feet to the South line of Mallory Drive; thence West along Mallory Drive to the point of beginning.

LESS AND EXCEPT a strip of land situated in the NE 1/4 SE 1/4 of Section 9, Township 39 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point South 89° 55' 00" East 453.19 feet from the Northeast corner of Lot 1, Block 3, PINE GROVE RANCHETTES, a duly recorded subdivision plat, said point being on the Southerly right of way line of Mallory Drive; thence continuing South 89° 55' 00" East 14.00 feet; thence South 00° 08' 00" West 222.00 feet; thence North 89° 55' 00" West 14.00 feet to the Easterly line of that tract of land described in Deed Volume 74, Page 15447, as recorded in the Klamath County Deed Records; thence North 00° 08' 00" East, along said Easterly line and the Easterly line of that tract of land described in Deed Volume M-68, Page 2191 of said Deed Records, 222.00 feet to the point of beginning.

PARCEL 2:

A strip of land situated in the NE 1/4 SE 1/4 of Section 9, Township 39 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point South 89° 55' 00" East 661.90 feet from the Northeast corner of Lot 1, Block 3, PINE GROVE RANCHETTES, a duly recorded subdivision plat, said point being on the Southerly right of way line of Mallory Drive, said point also being the Northwest corner of that tract of land described in Deed Volume M-78, Page 1131, as recorded in the Klamath County Deed Records; thence South 00° 08' 00" West, along the Westerly line of said tract of land (Deed Volume M-78, Page 1131), 222.00 feet; thence North 89° 55' 00" West 14.00 feet to the Easterly line of that tract of land described in Deed Volume M-74, Page 15986 as recorded in said Deed Records; thence North 00° 08' 00" East, along said Easterly line, 222.00 feet; thence South 89° 55' 00" East 14.00 feet to the point of beginning.