2010-006214 Klamath County, Oregon

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05/21/2010 03:18:25 PM

Fee: \$47.00

AFTER RECORDING RETURN TO: Shapiro & Sutherland, LLC 5501 N.E. 109th Court, Suite N Vancouver, WA 98662 10-104004 ATE 67615

## NOTICE OF DEFAULT AND ELECTION TO SELL

A default has occurred under the terms of a trust deed made by Patricia A. Lawrence and Richard A. Lawrence, as grantor to First American Title, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. as nominee for New Century Mortgage Corporation, as beneficiary, dated March 1, 2007, recorded March 2, 2007, in the mortgage records of Klamath County, Oregon, as Instrument No. 2007-003599, and Re-recorded April 28, 2010, in the mortgage records of Klamath County, Oregon, as Instrument No. 2010-005033, beneficial interest having been assigned to Deutsche Bank National Trust Company, as Trustee for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2007-HE7 Mortgage Pass-Through Certificates, Series 2007-HE7, as covering the following described real property:

All that portion of Government Lot 6 in Section 34, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a point described by 2 Consecutive Courses from the intersection of the Westerly line of Lalakes Avenue with the Northerly line of Schonchin Street in the Townsite of West Chiloquin, Oregon, namely North 59 Degrees 30' West 116.3 feet; and North 42 Degrees 39' West 295 feet; Thence South 47 Degrees 21' West 53 feet; thence Northwesterly at right angles 150.00 feet; thence Northeasterly at right angles 53 feet; thence Southeasterly at right angles 150 feet to the point of beginning, also known as Tract 121 Spinks Subdivision.

## COMMONLY KNOWN AS: 138 Highway 422, Chiloquin, OR 97624

Kelly D. Sutherland, Successor Trustee, hereby certifies that no action has been instituted to recover the 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 ORS 86.735(4).

There is a default by the grantor or other person 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 in the sum of \$781.78, from December 1, 2008, and monthly payments in the sum of \$779.89, from June 1, 2009, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

By reason of said default, the beneficiary has declared all sums owing on the obligation that the trust deed secures immediately due and payable, said sums being the following, to-wit:

\$67,713.20, together with interest thereon at the rate of 10.4% per annum from November 1, 2008, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclosure said 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 execution by him 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 10:00 AM PT, in accordance with the standard time established by ORS 187.110 on September 27, 2010, at the following place: at the main entrance of the Klamath County Courthouse, located at 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 said sale.

Notice is further given to any person named in ORS 86.753 that the right exists, at any time that is not later than five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by paying 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 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 fees and attorney fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

| Dated: 5-20 W   | 10_ By: Mh  |   |
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|   | KELLY D SUTHERLAN Successor Trustee   | D |
| STATE OF WASHINGTON   | )<br>) SS.  |   |
| COUNTY OF CLARK   | )   |   |
| SUBSCRIBED AND SWORN to<br>by Kelly D. Sutherland, Successo | before me this $20^{\text{Th}}$ day of $2010$ , Trustee.                                |   |
| Notary Public for Washington My commission expires          | KATHERINE D. BERG NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES OCTOBER 29. 2013 |   |