

2010-008373

Klamath County, Oregon



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07/12/2010 01:41:58 PM

Fee: \$42.00

AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
10-104745
ATE 67856

NOTICE OF DEFAULT AND ELECTION TO SELL

A default has occurred under the terms of a trust deed made by Shirley A. Jackson and Robert A. Jackson, as grantor to Jeffrey M. Ruben, as trustee, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for HomeAmerican Credit Inc. DBA Upland Mtg, as beneficiary, dated September 28, 2004, recorded October 4, 2004, in the mortgage records of Klamath County, Oregon, in Vol. M04, at Page 66903, beneficial interest having been assigned to Household Finance Corporation II, as covering the following described real property:

A tract of land situated in Lot 4, JUNCTION ACRES, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon, more particularly described as follows:

Beginning at the Southwesterly corner of Parcel 2 of Major Land Partition No. 36-89 on the Southerly line of said Lot 4, North 71° 16' 48" West, 353.51 feet from the Southeasterly corner of said Lot 4; thence North 71° 16' 48" West, along said Southerly lot line, 131.23 feet; thence North 10° 00' 00" East, 347.80 feet; thence South 82° 39' 00" East, 112.57 feet to the Westerly line of said Parcel 2; thence South 07° 21' 00" West 373.30 feet, with bearings based on Survey No. 4824 as filed with the Klamath County Surveyor.

CODE:009 MAP:3910-007AO TL:00501 KEY:R11061

COMMONLY KNOWN AS: 8321 Highway 140 East, Klamath Falls, OR 97603

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 \$998.27, from November 1, 2009, and monthly payments in the sum of \$1,000.69, from December 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:

ATE 42

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 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.

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.

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.

By: 
KELLY D. SUTHERLAND
 Successor Trustee

SUBSCRIBED AND SWORN to before me this 9th day of July, 2010,
by Kelly D. Sutherland, Successor Trustee.

KATHERINE D. BERG
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
OCTOBER 29, 2013