

2010-009066

Klamath County, Oregon



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07/30/2010 03:26:52 PM

Fee: \$47.00

1st 1605857

T.S. No. 7101598

## **NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to that certain trust deed made by **Deanna J. Smith, a married woman**, as grantor, **First American Title Insurance Company** as trustee, in favor of **Mortgage Electronic Registration Systems, Inc.**, as beneficiary, dated **8/28/2007**, recorded **11/19/2007**, in the official records of **Klamath County, Oregon**, in Book/Reel/Volume No. **xx** at Page **xx**, Instrument No. **2007-019603**, covering the following described real property situated in said County and State, to wit:

**LOT 20, KENNICOTT COUNTRY ESTATES, IN THE COUNTY OF KLAMATH, STATE OF OREGON. SITUATED IN THE COUNTY OF KLAMATH AND STATE OF OREGON.**

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 mortgage records of the county or counties in which the above described real property is situated; further, that no action, suit or proceeding has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action or proceeding has been instituted, such action or proceeding has been dismissed except an action to appoint a receiver pursuant to ORS 86.010, or the foreclosure of another trust deed, mortgage, security agreement or other consensual or nonconsensual security interest or lien securing repayment of this debt.

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 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:

Make the monthly payments of **\$1,636.43** each, commencing with the payment due on **5/1/2010** and continuing each month until this trust deed is reinstated or goes to trustee's sale; plus a late charge of **\$66.36** on each installment not paid within fifteen days following the payment due date; trustee's fees and other costs and expenses associated with this foreclosure and any further breach of any term or condition contained in subject note and deed of trust.

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By reason of said default, the beneficiary has declared all obligations secured by said trust deed immediately due and payable, said sums being the following, to wit:

The principal sum of **\$191,115.56** together with the interest thereon at the rate **5.250%** per annum from **4/1/2010** until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Notice is hereby 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 Oregon Revised Statutes Sections 86.705 to 86.795, and cause to be sold at public auction to the highest bidder for cash funds the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by him of the trust deed, together with any interest the grantor or his successors in interest acquired after 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 **10:00 AM**, Standard of Time as established by Section 187.110 of Oregon Revised Statutes on **12/3/2010**, at the following place: **On the Front Steps of the Circuit Court, 316 Main Street, City of Klamath Falls, County of Klamath, State of Oregon**, which is the hour, date and place fixed by the trustee 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 persons in possession of or occupying the property, except:

NAME AND LAST KNOWN ADDRESS  
N/A

NATURE OF RIGHT, LIEN OR INTEREST  
N/A

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with costs, trustee's and attorney's fees and by curing any other default complained of in the Notice of default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest if any.

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Dated: JUL 28 2010

FIRST AMERICAN TITLE INSURANCE COMPANY

*Sophia Ochoa*  
Sophia Ochoa, Asst Sec

State of CALIFORNIA } SS  
County of ORANGE

On JUL 28 2010 before me, Laura A. Kennedy, a Notary Public in  
and for said state, personally appeared Sophia Ochoa  
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

*L*  
Notary Public

(This area for Official Notary Seal)

NOTICE OF DEFAULT AND  
ELECTION TO SELL  
RE: Trust Deed from

Deanna J. Smith, a married woman, Grantor  
to

First American Title Insurance Company,  
Trustee

STATE OF OREGON  
COUNTY OF , SS

I certify that the within instrument was  
received for record on \_\_\_\_\_ at \_\_\_\_\_ M,  
and recorded in \_\_\_\_\_ book/reel/volume  
No. \_\_\_\_\_, as Instrument  
No. \_\_\_\_\_ Record of  
Mortgage of said County. Witness my hand  
and seal of County affixed

Name \_\_\_\_\_  
Title \_\_\_\_\_  
By \_\_\_\_\_ Deputy

**AFTER RECORDING RETURN TO:**  
First American Title Insurance Company  
C/O Max Default Services Corporation  
43180 Business Park Drive, Ste 100  
Temecula, CA 92590