

NJC 88354

2010-010456

Klamath County, Oregon

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from: Michael M. Beeby, Grantor

To: Fidelity National Title Insurance Company,  
Successor Trustee

After recording return to(name, address, zip):

Fidelity National Title Insurance Company  
135 Main St. Ste.1900  
San Francisco , CA 94105



00089689201000104560030035

09/02/2010 03:23:25 PM

Fee: \$47.00

TS No: 10-01359-4 OR - Loan No: 372156397-9001 / Beeby

Reference is made to that certain Deed of Trust made by Michael M. Beeby, as grantor, to Brad Williams c/o UPF Incorporated, a Washington corporation, as trustee, in favor of Sterling Savings Bank, as beneficiary, dated as of August 11, 2006, and recorded August 14, 2006, in the Records of Klamath County, Oregon, Instrument No. 2006-016318, covering the following described real property situated in the above-mentioned county and state, to wit:

APN: R-3809-032AD-09900-000

Lot 4 and the Northwesterly 55 feet of the Southwesterly 4 feet of Lot 3, Block 85, Klamath Addition to the City of Klamath Falls, according to the Official Plat thereof on file in the Office of the Clerk of Klamath County, Oregon.

Commonly known as: 414 Walnut Avenue, Klamath Falls, OR

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: Failed to pay the installment which became due on June 15, 2010 and all subsequent installments which total \$2,641.83, together with late charges accrued in the amount of \$100.00, together with sums advanced by the Beneficiary in the amount of \$170.00, together with estimated trustee's fees and expenses in the amount of \$3,511.00.

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: Principal balance of \$119,036.92 together with interest due thereon from 05/15/2010 at the rate of 6.74%, together with all late charges, advances and any other fees, costs and expenses incurred by the Beneficiary

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 **January 7, 2011**, at the following place: **At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR**

FOR SALE INFORMATION CALL: **714-573-1965**

Website for Trustee's Sale Information: **www.priorityposting.com**

47pm

TS No :10-01359-4OR

Loan No: 372156397-9001 / Beeby

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.

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), together with costs, trustee's and attorney's fees, 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, at any time prior to five days before the date last set for sale.

FOR FURTHER INFORMATION CONTACT:  
FIDELITY NATIONAL TITLE INSURANCE COMPANY  
135 Main St. Ste.1900  
San Francisco, CA 94105  
415-247-2450

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: August 30, 2010

Fidelity National Title Insurance Company, Successor Trustee

  
\_\_\_\_\_  
Julie B. Wagner, Authorized Signor

State of California  
County of San Francisco

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*See attached*

On August 30, 2010, before me, Elida Rosado, a Notary Public, personally appeared Julie Wagner, 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.

\_\_\_\_\_  
Elida Rosado # 1882764  
My Commission Expires March 14, 2014

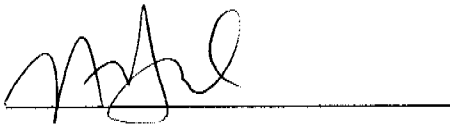
(Seal)

State of California  
County of San Francisco

On 08/30/2010 before me, Natalie Gold, Notary Public, personally appeared Julie B. Wagner, 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.

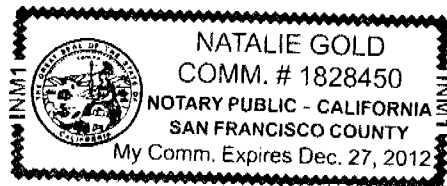
WITNESS my hand and official seal.



Natalie Gold

Commission #1828450

My Commission Expires: December 27, 2012



attached to Notice of Default and election to sell 8/30/10