

MT088408

2010-010949

Klamath County, Oregon

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from: JOHN P. DANIELS JR. AND
DESIREE D. DANIELS, AS TENANTS BY THE
ENTIRETY, Grantor

To: Fidelity National Title Insurance Company,
Successor Trustee

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

Fidelity National Title Insurance Company
17592 E. 17th Street, Suite 300
Tustin , CA 92780



09/15/2010 11:21:15 AM

Fee: \$52.00

TS No: 10-10130-6 . - Loan No: 0014774178

Reference is made to that certain Deed of Trust made by JOHN P. DANIELS JR. AND DESIREE D. DANIELS, AS TENANTS BY THE ENTIRETY, as grantor, to FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, as trustee, in favor of OPTION ONE MORTGAGE CORPORATION, A CALIFORNIA CORPORATION, as beneficiary, dated as of November 24, 2004, and recorded December 13, 2004, in the Records of Klamath County, Oregon, in Book /Volume M04 at Page 85355, covering the following described real property situated in the above-mentioned county and state, to wit: APN: R-3610-02200-00902 - Legal Description Attached

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:
Principal balance \$81,405.12

Delinquent Payments

<u>FROM</u>	<u>THRU</u>	<u>NO. PMTS</u>	<u>INT. RATE</u>	<u>AMOUNT</u>	<u>GRAND TOTAL</u>
04/01/2010	09/10/2010	6	6.00000%	\$655.13	\$3,930.78

Late Charges

Grand Total Late Charges \$159.30

Beneficiary's Advances, Costs and Expenses

Grand Total \$0.00

Trustee's Fees and Costs \$ 675.50

GRAND TOTAL REQUIRED TO REINSTATE \$4,765.58

52 AMT

TS'No :10-10130-6.

Loan No: 0014774178

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: failed to pay payments which became due; together with late charges due;

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 18, 2011**, at the following place: **on the front steps of the Circuit Court, 316 Main Street., in the City of Klamath Falls, County of Klamath, Oregon.**

FOR SALE INFORMATION CALL: **714.730.2727**

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

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
17592 E. 17th Street, Suite 300
Tustin, CA 92780
714-508-5100

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 September 10, 2010

Fidelity National Title Insurance Company, Successor Trustee



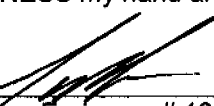
Ryan Bradford, Authorized Signor

State of California }ss.
County of Orange }ss

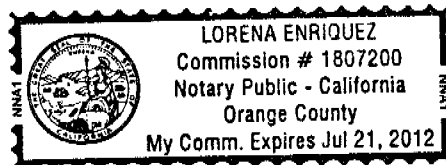
On September 10, 2010, before me, Lorena Enriquez, a Notary Public, personally appeared Ryan Bradford, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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.



Lorena Enriquez # 1807200
My Commission Expires July 21, 2012



(Seal)

85361

EXHIBIT "A"
LEGAL DESCRIPTION

A parcel of land located in Section 22, Township 36 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being a portion of Lot 7, Block 2 of TRACT 1114, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon; being more particularly described as follows:

Beginning at a point on the Easterly line of Lot 7, Block 2, TRACT 1114, from which the Northeast corner of said Lot 7 bears North 25° 10' 50" East 243.10 feet distant; thence West 961.54 feet to a point on the West line of said Lot 7; thence South 00° 35' 53" West along the lot line 391.09 feet to the Southeast corner of Lot 5; thence continuing South 00° 35' 53" West 393.70 feet to a point which lies 60.00 feet North of the South line of said Lot 7 and thence East 600.78 feet to the Easterly line of said Lot 7 and the Westerly right of way line of Squaw Flat Road; thence North 25° 10' 50" East 867.14 feet to the point of beginning.

Tax Account No: 3610-02200-00902-000

Key No: 874436