

2010-011086

Klamath County, Oregon



00090432201000110860040044

09/17/2010 03:37:49 PM

Fee: \$52.00

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from: GRETCHEN A KIRK, Grantor

To: Fidelity National Title Insurance Company,
Successor Trustee

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

Fidelity National Title Insurance Company
17100 Gillette Ave
Irvine, CA 92614

TS No: OR07000046-10-1
ATE 68110

Loan No: 502117306

Title Order No: 100513473-OR-GNO

Reference is made to that certain trust deed made by GRETCHEN A KIRK, as grantor, to TICOR TITLE INSURANCE COMPANY, as trustee, in favor of WILLAMETTE VALLEY BANK, A FEDERALLY CHARTERED SAVINGS BANK as Lender and **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC** as beneficiary, dated as of June 25, 2008, and recorded June 30, 2008, in the Records of Klamath County, Oregon, Instrument No. 2008-009526, covering the following described real property situated in the above-mentioned county and state, to wit:

APN: R881629

LT PARCEL 1 PN PARCEL 1 OF LAND PARTITION NO. 62.96 IN THE OFFICE OF KLAMATH CO.

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:

1. The monthly payment of 1104.25 beginning on 05/01/2010, and monthly late charge in the amount of 55.21 to-date.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said deed of trust immediately due and payable, said sums being the following

1. Principal balance of \$133,467.81 and accruing interest as of 04/01/2010 per annum from 04/01/2010 until paid.
2. 55.21 In late charges.
3. Together with title expenses, costs, trustee's fees and attorney fees incurred here in by reason of said default: and any further sums advanced by the beneficiary for the protection of the above described real property and its interest there in.

ATE 52

TS No :OR07000046-10-1.

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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;

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 26, 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.lpsasap.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 except: **NONE**

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.

In construing this notice, the singular gender 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 Deed of Trust, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

TS No :OR07000046-10-1.

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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 15, 2010

LSI Title Company of Oregon, as Successor Trustee

G. Sheppard
By G. Sheppard, Authorized Signor

C/O MTC FINANCIAL Inc., dba Trustee Corps
17100 Gillette Ave
Irvine, CA 92614
949-252-8300

State of California }ss.
County of Orange }ss

On 9/16/10, before me, **Enedina O. Sanchez**, a Notary Public, personally appeared G. Sheppard, 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.

Enedina Sanchez
My Commission Expires: Apr. 21, 2012

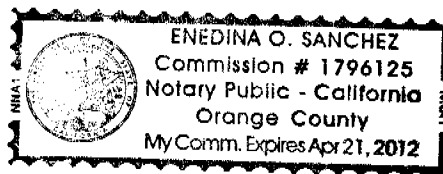


Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

PARCEL 1 OF PARTITION No. LP 62-96/JENSEN, FILED FEBRUARY 14, 1997 IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, LOCATED IN THE SE1/4 NW1/4 OF SECTION 25, TOWNSHIP 24 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON. ✓

Tax Parcel Number: R881629