

2010-012075

Klamath County, Oregon



00091571201000120750030038

10/13/2010 11:19:24 AM

Fee: \$47.00

**NOTICE OF DEFAULT AND ELECTION TO SELL**

RE: Trust Deed from: DAVID A FENIMORE, A  
MARRIED PERSON, 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

TS No: 10-10678-6 . - Loan No: 0064846199

Reference is made to that certain Deed of Trust made by DAVID A FENIMORE, A MARRIED PERSON, as grantor, to FIDELITY NATIONAL TITLE INS CO, as trustee, in favor of Wells Fargo Bank, N.A., as beneficiary, dated as of July 21, 2006, and recorded August 1, 2006, in the Records of Klamath County, Oregon, Instrument No. 2006-015514, covering the following described real property situated in the above-mentioned county and state, to wit: APN: R134170 - LOT 10 IN BLOCK 5 OF JACK PINE VILLAGE, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF KLAMATH COUNTY, 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 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 \$100,124.95

**Delinquent Payments**

| <u>FROM</u> | <u>THRU</u> | <u>NO. PMTS</u> | <u>INT. RATE</u> | <u>AMOUNT</u> | <u>GRAND TOTAL</u> |
|-------------|-------------|-----------------|------------------|---------------|--------------------|
| 06/01/2010  | 10/9/2010   | 5               | 6.50000%         | \$791.29      | \$3,956.45         |

**Late Charges**

Grand Total Late Charges \$158.25

**Beneficiary's Advances, Costs and Expenses**

|             |         |
|-------------|---------|
| MISC        | \$60.00 |
| Grand Total | \$60.00 |

Trustee's Fees and Costs \$ 1,000.25

**GRAND TOTAL REQUIRED TO REINSTATE \$5,174.95**

477amt

TS No :10-10678-6.

Loan No: 0064846199

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 **February 14, 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/](http://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.

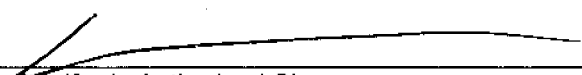
Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion 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 October 9, 2010

Fidelity National Title Insurance Company, Successor Trustee

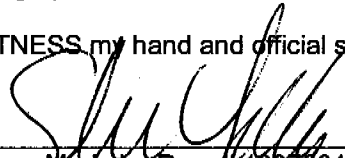
  
\_\_\_\_\_  
Ryan Bradford, Authorized Signor

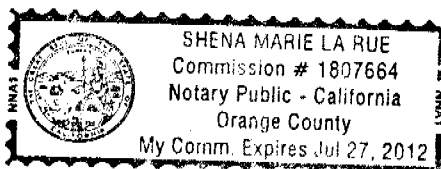
State of California }ss.  
County of Orange }ss

On October 9, 2010, before me, Shena Marie La Rue, 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.

  
\_\_\_\_\_  
Shena Marie La Rue # 1807664  
My Commission Expires July 27, 2012



(Seal)