

NTC 67632

2010-012144

Klamath County, Oregon



00091658201000121440040045

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

10/14/2010 03:36:33 PM

Fee: \$52.00

REGIONAL TRUSTEE SERVICES CORPORATION

616 1st Avenue, Suite 500
Seattle, WA 98104

Trustee's Sale No: 09-FMS-92848



NOTICE OF DEFAULT AND ELECTION TO SELL

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.

Reference is made to that certain Deed of Trust made by, MICHAEL D. LABOUNTY AND SUSAN D. LABOUNTY, as grantor, to FIRST AMERICAN TITLE INSURANCE COMPANY, as Trustee, in favor of CENTEX HOME EQUITY COMPANY, LLC, as beneficiary, dated 7/26/2005, recorded 8/1/2005 in Volume M05, page 60140, of Deeds of Trust, under Instrument No. XXX, records of KLAMATH County, covering the following described real property situated in KLAMATH County, OREGON, to-wit:

ATTACHED HERETO AS EXHIBIT 'A' AND INCORPORATED HEREIN AS THOUGH FULLY SET FORTH.

The undersigned Trustee, REGIONAL TRUSTEE SERVICES CORPORATION, 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 situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said 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 the grantor or other person owing an obligation, the performance of which is secured by said trust deed, or by the successor in interest, 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 pay when due, the following sums:

	Amount due as of October 12, 2010 -----
Delinquent Payments from April 01, 2006	
9 payments at \$ 1,594.13 each	\$ 14,347.17
43 payments at \$ 1,587.79 each	\$ 68,274.97
1 payments at \$ 2,269.80 each	\$ 2,269.80
2 payments at \$ 2,261.87 each	\$ 4,523.74
(04-01-06 through 10-12-10)	
Late Charges:	\$ 240.98
Beneficiary Advances:	\$ 301.00
Suspense Credit:	\$ 0.00
	=====
TOTAL:	\$ 89,957.66

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

52AMJ

UNPAID PRINCIPAL BALANCE OF \$228,404.16, PLUS interest thereon at 6% per annum from 03/01/06 to 1/1/2007, 6% per annum from 01/01/07 to 01/01/08, 6% per annum from 1/1/2008, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

Notice hereby is given that the beneficiary and current trustee, REGIONAL TRUSTEE SERVICES CORPORATION, by reason of said default, have elected and do hereby elect to foreclose said 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 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 the 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 the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110 on February 16, 2011, at the following place: ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, which is the hour, date and place last set 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 person in possession of or occupying the property, except:

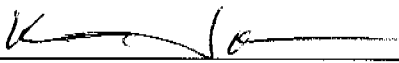
NONE

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) and 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, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provide by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular 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 trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: 10/12/2010

REGIONAL TRUSTEE SERVICES CORPORATION
Trustee

By 
KAREN JAMES, AUTHORIZED AGENT
Sale Information: <http://www.rtrustee.com>

STATE OF WASHINGTON }
COUNTY OF KING } ss.

The foregoing instrument was acknowledged before me 10/12/2010, by KAREN JAMES, AUTHORIZED AGENT of REGIONAL TRUSTEE SERVICES CORPORATION, a WASHINGTON Corporation, on behalf of the corporation.

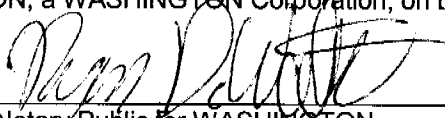

Notary Public for WASHINGTON
My commission expires: 7-12-14



Exhibit A

Exhibit A

A tract of land situated in the S 1/2 SE 1/4 SE 1/4 of Section 8, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being a portion of the S 1/2 SE 1/4 SE 1/4 of said Section 8, lying East of an existing graveled road described in Deed Volume M75 at Page 15158, Microfilm Records of Klamath County, Oregon and being more particularly described as follows:

Beginning at the Northeast corner of the S 1/2 SE 1/4 SE 1/4 of said Section 8; thence South 01° 06' 22" West 75 feet; thence South 75° 51' 11" West, 747.04 feet, more or less, to the centerline of said existing graveled road; thence along the centerline of said existing road the following courses: Northerly along the arc of a curve to the left (radius - 500.00 feet, central angle = 25° 08' 35") 219.41 feet; thence along the arc of a curve to the left (radius - 500 feet, central angle = 01° 42' 00") 14.84 feet; thence North 31° 16' 01" WEST 57.18 feet, more or less, to the North line of the S 1/2 SE 1/4 SE 1/4; thence South 87° 31' 08" East 833.01 feet along said North line to the point of beginning.

CODE 021 MAP 3908-008D0 TL 00300 KEY# 736234

TOGETHER WITH permanent non-exclusive easements 60 feet in width over across the S1/2 NE 1/4 and NW 1/4 SE 1/4 of Section 17; the S 1/2 NW 1/4 NW1/4 of Section 16 and S 1/2 NE 1/4 NE 1/4 of Section 17; the N 1/2 NW 1/4 NW 1/4 of Section 16; all in Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described in instrument recorded February 7, 1975 in Volume M75, page 1604, Microfilm records of Klamath County, Oregon.

ALSO TOGETHER WITH an easement for that existing cinder road in its present location as contained in easements recorded June 18, 1974 in Volume M74, page 7514, and recorded March 7, 1979 in Volume M79, page 5220 and 5222, Microfilm records of Klamath County, Oregon.