

2010-013162

Klamath County, Oregon



00092835201000131620030033

11/12/2010 10:43:56 AM

Fee: \$47.00

NOTICE OF DEFAULT AND ELECTION TO SELL

Re: Deed of Trust, Alvin G. Havel and Doris J. Havel,
Grantor(s)

To: Katrina E. Glogowski, Successor Trustee

After Recording Return to:
Katrina E. Glogowski
Glogowski Law Firm, PLLC
2505 Third Ave Ste 100
Seattle, WA 98121

FILE NO. 10-2510

Reference is made to that certain warranty deed made by Conseco Finance Servicing Corp. as grantor(s) to Alvin G. Havel and Doris J. Havel, recorded 5/29/2002 in the records of Klamath County, Oregon at Vol. MO2 Page 31489. Reference is made to that certain trust deed made by Alvin G. Havel and Doris J. Havel, Grantor(s), to Glenn H. Prohaska, trustee, in favor of Green Tree Servicing, LLC f/k/a Conseco Finance Servicing Corp., as beneficiary, recorded 05/29/2002, in the Records of Klamath County, Oregon as Instrument No. Vol. MO2 Page 31490, and Katrina E. Glogowski being the successor trustee, covering the following described real property situated in the above-mentioned county and state, to wit: APN: R626772; Vacated Lots 1-16 of Block 44; Vacated Lots 1-6, 8, 9 and 12-16 of Block 43; See Exhibit A; Commonly known as 20251 Keno Worden Road, Klamath Falls, OR 97603. The undersigned hereby certified 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). Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to section 86.753(3) of Oregon Revised Statutes. There is a default by grantor or other person owing an obligation, performance of which is secured by the trust deed, or buy 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: monthly payments of \$585.17 beginning on June, 2010; plus late charges of \$20.00; plus advances of \$0.00; together with title expenses, costs, trustee's fees and attorneys' fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable. By reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to wit: The sum of \$25786.10 together with interest thereon at the rate of 10.50% per annum from June, 2010 until paid; plus advances of \$0.00; together with title expenses, costs, trustee's fees and attorneys' fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable. Notice is hereby given that the beneficiary and trustee, by reason of default, have elected 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 compensation of the trustee as provided by law. The sale will be held at the hour of 10:00am, in accord with the standard of time established by ORS 187.110 on 03/18/2011 at the following place: On the front steps of the Klamath Falls County Circuit Court, 316 Main Street, Klamath Falls, OR, which is the hour, date and place last set for sale. 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:

<u>Name and Last Known Address</u>	<u>Nature of Right, Lien or Interest</u>
Alvin G. Havel and Doris J. Havel, 20251 Keno Worden Road, Klamath Falls, OR 97603	

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 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 attorneys' fees not exceeding the amounts provided by ORS 86.753. 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.

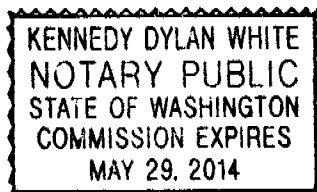
DATED: November 8, 2010

By Katrina E. Glogowski
Successor Trustee
2505 Third Ave Ste 100
Seattle, WA 98121
(206) 903-9966

STATE OF WASHINGTON)
COUNTY OF KING) ss.

I certify that I know or have satisfactory evidence that Katrina E. Glogowski signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN TO before me on November 8, 2010.



Kennedy Dylan White
Kennedy Dylan White
Notary Public in and for the State of Washington
Residing at Seattle, Washington
My appointment expires 05/29/2014

31499

"Exhibit A"

Vacated Lots 1-16 of Block 44; Vacated Lots 1-6, 8, 9 and 12-16 of Block 43; Lots 7, 10 and 11 of Block 43, WORDEN TOWNSITE, in the County of Klamath, State of Oregon. TOGETHER WITH those portions of vacated alleys which inurred thereto.