

MTC 89312

2010-014534

Klamath County, Oregon



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12/23/2010 02:48:19 PM

Fee: \$42.00

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from: Henry F. Curry Jr., an unmarried man, Grantor

To: Fidelity National Title Insurance Company, Successor Trustee

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

Fidelity National Title Insurance Company
135 Main St. Ste. 1900
San Francisco, CA 94105

TS No: 10-01567-4 Loan No: 115231162 / Curry

Reference is made to that certain Deed of Trust made by Henry F. Curry Jr., an unmarried man, as grantor, to Aspen Title & Escrow, Inc., as trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS), as Beneficiary, dated as of December 24, 2007, and recorded December 31, 2007, in the Records of Klamath County, Oregon, Instrument No. 2007-021623, covering the following described real property situated in the above-mentioned county and state, to wit:

APN: R-3811-V2700-00602-000 That portion of the S 1/2 of the NE 1/4 of Section 27, Township 38 South, Range 11 1/2 East of the Willamette Meridian, Klamath County Oregon, lying Southeasterly of the railroad right of way and Northwesterly of State Highway 140.

EXCEPT any portion thereof lying within Hildebrand Road.

CODE 036 & 037 MAP 3811-V2700 TL 00602 Key #891108; Key #882146 and CODE 036 Map 3811-V2700 TL 00501 Key #882147

Commonly known as: 23229 Highway 140 East, Bonanza, OR

The undersigned hereby certifies that no assignments of the Deed of Trust 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 Deed of Trust, 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 Deed of Trust, 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 that the grantor(s): failed to pay payments which became due; together with late charges due; failed to pay advances made by the Beneficiary; The defaulted amounts total: \$15,808.37.

By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Deed of Trust immediately due and payable, those sums being the following, to wit: The sum of \$219,337.52 together with interest thereon at a rate of 6.50000% per annum April 1, 2010 until paid: plus all accrued late charges thereon and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed trust.

Notice hereby is given that the Beneficiary and trustee, by reason of default, have elected and do hereby elect to foreclose the Deed of Trust 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 Deed of Trust, together with any interest grantor or grantor's successor in interest acquired after the execution of the Deed of Trust, 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 **May 6, 2011**, at the following place: **At the main entrance to the County Courthouse, 316 Main St.,**

42 AMT

Klamath Falls, County of Klamath, State of Oregon

FOR SALE INFORMATION CALL: 714-573-1965

Website for Trustee's Sale Information: **www.priorityposting.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 Deed of Trust, 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 Deed of Trust 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
135 Main St. Ste. 1900
San Francisco, CA 94105
415-247-2450

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: December 21, 2010

Fidelity National Title Insurance Company, Successor Trustee



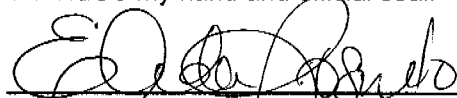
Julie B. Wagner, Authorized Signor

State of California }ss.
County of San Francisco }ss

On December 21, 2010, before me, Elida Rosado, a Notary Public, personally appeared Julie Wagner, 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.

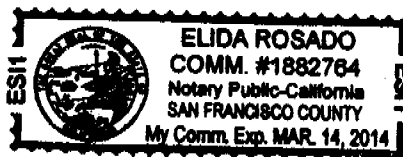
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Elida Rosado # 1882764

My Commission Expires March 14, 2014



(Seal)