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2011-005391

Klamath County, Oregon



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05/02/2011 02:59:17 PM

Fee: \$47.00

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Re: Deed of Trust, John J. Sears and Katie R. Sears,  
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. 11-3087

Reference is made to that certain warranty deed made by John Junior Sears as grantor(s) to John J. Sears and Katie R. Sears, recorded 9/11/1996 in the records of Klamath County, Oregon at Vol. M96 Page 28639. Reference is made to that certain trust deed made by John J. Sears and Katie R. Sears, Grantor(s), to Nancy L. Peterson, trustee, in favor of Western Homes Inc, as beneficiary, recorded 9/11/1996, in the Records of Klamath County, Oregon as Instrument No. Vol. M96 Page 28640, which was subsequently assigned to Green Tree Financial Servicing Corp on September 11, 1996 under Instrument No. Vol. M96 Page 28643, 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: R439074; Beginning at a point 830 feet North and 440 feet West of the corner common to - See Exhibit A; Commonly known as 214 Gage Rd, Klamath Falls, OR 97601. 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 \$426.82 beginning on Dec, 2010; plus late charges of \$21.48; 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 \$46451.03 together with interest thereon at the rate of 8.88% per annum from Dec, 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 09/09/2011 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:

Name and Last Known Address

Nature of Right, Lien or Interest

John J. Sears and Katie R. Sears, 214 Gage Rd, Klamath Falls, OR 97601

Occupants, 214 Gage Rd, Klamath Falls, OR 97601

John Sears and Katie Sears, 2394 Walton Ave., Shasta Lake, CA 96019

First American National Fin Grp Inc., 9637 Arrow Route #A, Rancho Cucamonga, CA 91730

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: April 26, 2011

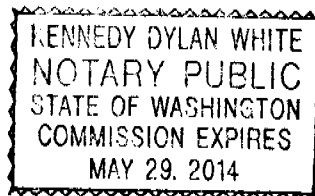
By

*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 April 26, 2011.



*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

**Exhibit "A"**

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

Beginning at a point 830 feet North and 440 feet West of the corner common to Section 19, 20, 29 and 30, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence West 75; thence South 150 feet; thence East 75 feet; thence North 150 feet to the point of beginning.

Tax Parcel Number: R439074