

Asp 67077

2011-005681  
Klamath County, Oregon



05/09/2011 03:15:22 PM

Fee: \$47.00

After recording return to:  
Attn: Foreclosure Department  
RECONTRUST COMPANY, N.A.  
400 National way  
SIMI VALLEY, CA 93065

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to that certain Trust Deed made by JAMES K SIMONO, AND CINDY A SIMONO, HUSBAND AND WIFE AS TENANTS BY THE ENTIRETY, as grantors, to FIDELITY NATIONAL TITLE INSURANCE CO, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 01/05/2007, recorded 01/23/2007, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2007-001104, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED FOR LEGAL DESCRIPTION

PROPERTY ADDRESS: 5546 BALSAM DR  
KLAMATH FALLS, OR 97601-9505

There is default by the grantor or other person, or by their successor in interest, owing an obligation, the performance of which is secured by said Trust Deed, or by their 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 grantors' failure to pay when due the following sums: monthly payments of \$1,148.70 beginning 01/01/2009; plus late charges of \$ 51.65 each month beginning 01/01/2009 payment plus prior accrued late charges of \$-236.37; plus advances of \$277.50; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

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, to wit: \$165,998.56 with interest thereon at the rate of 6.125 percent per annum beginning 12/01/2008 plus late charges of \$ 51.65 each month beginning 01/01/2009 until paid; plus prior accrued late charges of \$-236.37; plus advances of \$277.50; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

**NOTICE OF DEFAULT AND ELECTION TO SELL**  
**RE: Trust Deed from**  
**JAMES K SIMONO and CINDY A SIMONO,**  
**Grantor**  
**To**  
**RECONTRUST COMPANY, N.A.,**  
**Trustee TS No. 10 -0002369**

**For Additional Information:**  
**Please Contact**  
**Foreclosure Department**  
**RECONTRUST COMPANY, N.A.**  
**RECONTRUST COMPANY, N.A.**  
**1800 Tapo Canyon Rd., CA6-914-01-94**  
**SIMI VALLEY, CA 93063**  
**(800)-281-8219**

Notice is hereby given that the Beneficiary and Trustee, by reason of said 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 the grantor had, or had the power to convey, at the time the grantor executed the Trust Deed, together with any interest the grantor or grantor's successors 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 reasonable fees of Trustee's attorneys.

47 and



The West 151 feet of that certain parcel of land more particularly described as commencing at the Northeast corner of the SW 1/4 of Section 12, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon; thence West 260 feet to the true point of beginning; thence South 319 feet; thence West 410 feet; thence North 319 feet; thence East 410 feet, more or less, to the true point of beginning, all of the above land being located in Section 12, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

SAVING AND EXCEPTING THEREFROM that portion thereof lying within the boundaries of Balsam Drive.

Unofficial  
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