

1st 1714322

2011-006395

Klamath County, Oregon



00102300201100063950040047

05/23/2011 03:09:06 PM

Fee: \$52.00

**NOTICE OF DEFAULT  
AND ELECTION TO SELL**

**RE: Trust Deed from JOHN F. WILLIAMS AND  
DIANE L. FEHLMAN Grantor**

**To FIRST AMERICAN TITLE INSURANCE  
COMPANY Successor Trustee**

After recording return to(name, address, zip):  
**FIRST AMERICAN TITLE INSURANCE  
COMPANY  
C/O CR TITLE SERVICES, INC. P.O. BOX 16128  
TUCSON AZ 85732-6128**

SPACE RESERVED  
FOR  
RECORDER'S USE

TS No: **T11-76481-OR** 5453414

Reference is made to that certain trust deed made by JOHN F. WILLIAMS AND DIANE L. FEHLMAN as grantor, to FIRST AMERICAN TITLE INSURANCE COMPANY as successor trustee, in favor of "MERS" IS MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as beneficiary, dated 07-31-2008, recorded 08-07-2008, in the Records of KLAMATH County, Oregon, in book at page , and/or as fee/file/instrument/microfilm/reception No. 2008-011216 (indicate which), covering the following described real property situated in the above-mentioned county and state, to wit:

**APN: R501353**

LOT 4, BLOCK 2, TRACT 1121, FIRST ADDITION TO KENO HILLSIDE ACRES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

The undersigned 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 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).

There is a default by grantor or other person owing an obligation, performance of which is secured by the trust deed, 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 grantor's failure to pay when due the following sums:

**Delinquent Payments**

<u>FROM</u>	<u>THRU</u>	<u>NO. PMT</u>	<u>RATE</u>	<u>AMOUNT</u>	<u>TOTAL</u>
11/01/2010	12/31/2010	2	5.000	\$980.10	\$1,960.20
01/01/2011	05/16/2011	5	5.000	\$996.14	\$4,980.70

Total Late Charges: \$223.16

**Beneficiary Advances**

SERVICE FEES	\$1.36
DLQ EXPENSES	\$121.50
ACCRUED LATE CHARGES	\$159.40

\$7,446.32

TOTAL FORECLOSURE COST: \$940.00

TOTAL REQUIRED TO REINSTATE:

\$8,386.32

TS No :T11-76481-OR

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

The unpaid principal balance: \$146,663.68

INSTALLMENT OF PRINCIPAL AND INTEREST PLUS IMPOUNDS AND / OR ADVANCES WHICH BECAME DUE ON 11/01/2010 PLUS LATE CHARGES, AND ALL SUBSEQUENT INSTALLMENTS OF PRINCIPAL, INTEREST, BALLOON PAYMENTS, PLUS IMPOUNDS AND/OR ADVANCES AND LATE CHARGES THAT BECOME PAYABLE.

Notice hereby is given that the beneficiary and trustee, by reason of 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 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 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 **09-28-2011**, at the following place: **ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH, OR 97601**

County of KLAMATH, State of Oregon, 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 F. WILLIAMS AND DIANE L. FEHLMAN**

14117 HWY 66  
KLAMATH FALLS, OR 97601

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 the 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 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 May 18, 2011

FIRST AMERICAN TITLE INSURANCE COMPANY  
AS TRUSTEE  
C/O CR TITLE SERVICES INC.  
P.O. Box 16128  
Tucson, AZ 85732-6128  
PHONE 866-702-9658  
REINSTATEMENT LINE 866-272-4749

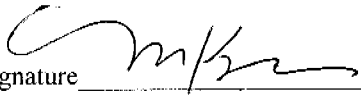
Sophia Ochoa  
Sophia Ochoa, Asst Sec

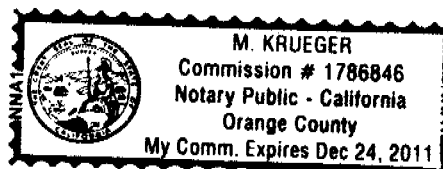
State of California  
County of Orange

On May 18, 2011 before me, M. Krueger Notary Public, personally  
appeared Sophia Ochoa 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.

Signature  (seal)  
M. Krueger Notary Public



**Federal Law requires us to notify you that we are acting as a debt collector. If you are currently in a bankruptcy or have received a discharge in bankruptcy as to this obligation, this communication is intended for informational purposes only and is not an attempt to collect a debt in violation of the automatic stay or the discharge injunction.**