

2011-008999

Klamath County, Oregon



00105586201100089990030035

08/04/2011 03:42:00 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 SCOTT M WESTFALL, as grantors, to CHICAGO TITLE, as Trustee, in favor of BANK OF AMERICA, NA, as Beneficiary, dated 08/06/2007, recorded 08/28/2007, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2007-015191, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED EXHIBIT A

PROPERTY ADDRESS: 10635 MCCORMICK RD
KENO, OR 97627

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 \$608.48 beginning 07/26/2010; plus late charges of \$ 24.34 each month beginning 07/26/2010 payment plus prior accrued late charges of \$-121.70; plus advances of \$.00; 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: \$68,491.83 with interest thereon at the rate of 8.59 percent per annum beginning 06/10/2010 plus late charges of \$ 24.34 each month beginning 07/26/2010 until paid; plus prior accrued late charges of \$-121.70; plus advances of \$.00; 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
SCOTT M WESTFALL,
Grantor

To
RECONTRUST COMPANY, N.A.,
Trustee TS No. 10 -0140546

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.

47and

The sale will be held at the hour of 10:00 AM , in accordance with the standard of time established by ORS 187.110 on Wednesday, December 14, 2011, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main St., Klamath Falls, Klamath County, OR, which is the hour, date and place last set for the sale.

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 every other default complained of herein by tendering the performance required under the obligation or Trust Deed, in addition to paying said 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's fees not exceeding the amounts provided by ORS 86.753.

In constructing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

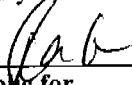
RECONTRUST COMPANY, N.A.

 **AUG 02 2011**
Karla Merida, Authorized Signer

STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

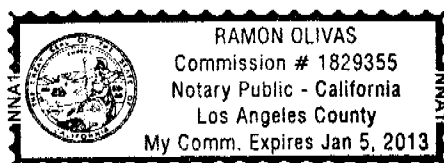
On AUG 02 2011, before me, RAMON OLIVAS, notary public, personally appeared KARLA MERIDA, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed 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.

WITNESS my hand and official seal.


Notary Public for California
My commission expires: JAN 05 2013

(SEAL)

~~RAMON OLIVAS~~ **RAMON OLIVAS**
THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER IF YOU HAVE OR ARE IN THE PROCESS OF OBTAINING DISCHARGE OF THE DEBT FROM A BANKRUPTCY COURT, THIS DOCUMENT IS NOT AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF LIEN RIGHTS AGAINST THE PROPERTY.



SCHEDULE A

THE FOLLOWING DESCRIBED PROPERTY SITUATED IN KENO, COUNTY OF KLAMATH, AND STATE OF OREGON, TO WIT:

A TRACT OF LAND SITUATED IN THE EAST $\frac{1}{4}$ EAST $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 39 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN AND THE WEST $\frac{1}{4}$ WEST $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 31, TOWNSHIP 39 SOUTH, RANGE 8, EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON PIN WITH TRU-LINE SURVEYING PLASTIC CAP ON THE LINE COMMON TO SAID SECTIONS 36 AND 31 AND BEING THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN VOLUME 120, PAGE 451 OF THE KLAMATH COUNTY DEED RECORDS, THE SOUTHWEST CORNER OF SAID SECTION 36, AS MARKED BY AN IRON AXLE, BEARS SOUTH $00^{\circ} 05' 00''$ WEST 660.00 FEET; THENCE NORTH $00^{\circ} 05' 00''$ EAST, ALONG SAID SECTION LINE, 207.77 FEET TO A 5/8" IRON PIN WITH TRU-LINE SURVEYING PLASTIC CAP, MARKING THE SOUTH CORNER OF THAT TRACT OF LAND DESCRIBED IN VOLUME 338 PAGE 204 OF SAID DEED RECORDS; THENCE NORTH $32^{\circ} 48' 24''$ EAST 477.85 FEET TO THE SOUTHEASTERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN VOLUME M68, PAGE 532 OF SAID DEED RECORDS, A 1" IRON PIPE BEARS SOUTH $72^{\circ} 04' 50''$ EAST 0.26 FEET; THENCE NORTH $72^{\circ} 04' 50''$ WEST 271.36 FEET TO A 1" IRON PIN AT THE SOUTHWESTERLY CORNER OF SAID TRACT OF LAND; THENCE SOUTH $00^{\circ} 05' 00''$ WEST 3.52 FEET TO A 5/8" IRON PIN WITH TRU-LINE SURVEYING PLASTIC CAP MARKING THE SOUTH 1/16TH CORNER COMMON TO SAID SECTIONS 36 AND 31; THENCE CONTINUING SOUTH $00^{\circ} 05' 00''$ WEST 12.08 FEET TO A 5/8" IRON PIN WITH TRU-LINE SURVEYING PLASTIC CAP MARKING THE SOUTHEASTERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN VOLUME 27 PAGE 294 OF SAID DEED RECORDS; THENCE NORTH $57^{\circ} 30'$ WEST 22.48 FEET TO A 5/8" IRON PIN WITH TRU-LINE SURVEYING PLASTIC CAP; THENCE WEST 21.02 FEET TO A 5/8" IRON PIN WITH TRU-LINE SURVEYING PLASTIC CAP; THENCE SOUTH $00^{\circ} 05' 00''$ WEST 689.38 FEET TO A 5/8" IRON PIN WITH TRU-LINE SURVEYING PLASTIC CAP; THENCE EAST 40.00 FEET TO THE POINT OF BEGINNING, WITH BEARINGS BASED ON RECORDED SURVEY 1169.