

2011-009522

Klamath County, Oregon

**NOTICE OF DEFAULT AND ELECTION
TO SELL**

Mortgage Electronic Registration Systems, Inc.,
"MERS" solely as a nominee for GMAC
Mortgage, LLC dba ditech.com,
BENEFICIARY UNDER ORIGINAL TRUST DEED.



00106236201100095220020029

08/18/2011 02:10:38 PM

Fee: \$42.00

Scott M. Goyette and Stephanie E. Goyette,
GRANTOR UNDER ORIGINAL TRUST DEED.

First American Title Insurance Company of
Oregon,
TRUSTEE UNDER ORIGINAL TRUST DEED.

ORIGINAL TRUST DEED RECORDED:
June 19th, 2007 as Doc. No. 2007-11040

No Change in Tax Statements is Requested
After recording return to:
REZVANI LAW OFFICE, LLC
P.O. BOX 865
GRESHAM, OREGON 97030

TS No. 11-14484

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain *Deed of Trust* (hereafter referred to as the *Trust Deed*) made by: Scott M. Goyette and Stephanie E. Goyette, as the Grantor, and First American Title Insurance Company of Oregon, as the Trustee, and Mortgage Electronic Registration Systems, Inc., MERS solely as a nominee for GMAC Mortgage, LLC, dba ditech.com, as the Beneficiary, dated May 14, 2007, and June 19th, 2007 as Doc. No. 2007-11040 in the Mortgage Records of Klamath County, Oregon, covering the following described real property situated in said county and state, to wit:

LOT 7 AND A PORTION OF LOT 8 IN BLOCK 4 OF SECOND ADDITION TO MOYINA, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 134.37 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 04° 40' 55" EAST 134.76 FEET TO THE SOUTH LINE OF SAID LOT 8, ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF SHASTA WAY; THENCE SOUTH 89° 42' 00" WEST 11.00 FEET TO THE POINT OF BEGINNING.

The street address or other common designation, if any, for the real property described above is purported to be: 6727 Shasta Way, Klamath Falls, Oregon 97603. The Tax Assessor's Account ID for the Real Property is/are purported to be: R454172.

The undersigned successor trustee, Sia Rezvani, 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 mortgage records of the county or counties in which the above described real property is situated; and further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by said *Trust Deed*, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

Notice is hereby given by the present and successor trustee, Sia Rezvani (who is Trustee by virtue of a duly recorded *Appointment of Successor Trustee* recorded immediately prior to this document), pursuant to the written instructions of Summit Real Estate Partners, LP, (which is the present beneficiary by virtue of the *Assignment of Deed of Trust* recorded immediately prior to the *Appointment of Successor Trustee* referenced above), that the beneficiary by reason of the grantors' default, has elected and hereby elects to foreclose the above referenced *Trust Deed* by advertisement and sale pursuant to ORS 86.705 to 86.795 in order to satisfy the grantors' obligations secured by the *Trust Deed*. All right, title, and interest in the said described property which the grantors had, or had power to convey, at the time of execution of the *Trust Deed*, together with any interest the grantors or their successors in interest acquired after execution of the *Trust Deed* shall be sold at public auction to the highest bidder for cash to satisfy the obligations secured by the *Trust Deed* and the expenses of sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

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ELECTION TO SELL. PAGE 1/2**

The default(s) for which foreclosure is made is (1) the grantor's failure to make regular payments to the beneficiary, such default beginning November 1st, 2008, and continuing through the date of this *Notice*, and (2) failure to carry, and/or provide evidence of, extended coverage hazard insurance, in violation of the *Trust Deed*, and (3) any defaults or breaches occurring after the date of this document. The current balance of payments now due, together with late charges, attorney and trustee fees, costs, title expenses, and other allowed charges is **\$16,774.96** together with any default in the payment of recurring obligations as they become due, periodic adjustments to the payment amount, any further sums advanced by the beneficiary to protect the property or its interest therein, additional costs and attorney fees as provided by law, and prepayment penalties/premiums, if any, together with defaulted amounts owed to senior lienholders. The amount required to cure the default in payments to date is calculated as follows:

From: 11/01/08; No. Payments: 34, Amount per: \$432.44 >>>

Total of past-due payments :	\$14,702.96
Total late charges:	\$680.00
Trustee's/Atty's Fees and Costs:	\$1,392.00
Total necessary to cure default in payments to date:	\$16,774.96 + proof of insurance + proof taxes are current + proof senior liens are current or tender of sufficient funds to cure any/all senior defaults.

Please note this amount is subject to confirmation and review and is likely to change during the next 30 days. Please contact Rezvani Law Office to obtain a "reinstatement" and/or "payoff" quote prior to remitting funds.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the *Trust Deed* due and payable. The amount required to discharge this lien in its entirety to date is: \$60,974.75

Said sale shall be held at the hour of 11:00 a.m. on December 21st, 2011, in accord with the standard of time established by ORS 187.110, and pursuant to ORS 86.745(7) shall occur at the following designated place:

INSIDE THE 1ST FLOOR LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET, KLAMATH FALLS, OREGON.

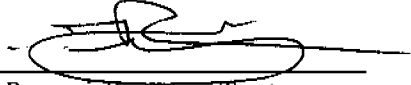
Other than as shown of record, neither the said beneficiary nor the said trustee have any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the *Trust Deed*, or of any successor(s) in interest to the grantors or of any lessee or other person in possession of or occupying the property, except: N/A.

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 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(s) of the *Trust Deed*, and 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.

The mailing address of the trustee is Rezvani Law Office, LLC, P.O. Box 865, Gresham, Oregon 97030; the telephone number of the trustee is 503-666-3407.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" and/or "grantors" includes any successor in interest to the 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 this 15th day of August, 2011.

By: 
Sia Rezvani, Successor Trustee

STATE OF OREGON, County of Multnomah} ss.

I hereby certify under penalty of perjury this instrument was acknowledged before me on August 15th, 2011, by Sia Rezvani.


Notary Public for Oregon
My Commission Expires: 5-23-15

