

2011-009626

Klamath County, Oregon



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08/22/2011 03:25:06 PM

Fee: \$42.00

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 NORMAN D CUMMINGS, AND MARLENE D CUMMINGS, AS TENANTS BY THE ENTIRETY, as grantors, to RECON TRUST COMPANY, N.A., as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 03/19/2007, recorded 03/27/2007, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2007-005695, and subsequently assigned to THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE, FOR THE CERTIFICATEHOLDERS, CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2007-7 by Assignment recorded 06/21/2011 in Book/Reel/Volume Number at Page Number as Recorder's fee/file/instrument/microfilm/reception Number 2011-007474, covering the following described real property situated in said county and state, to wit:

LOT 10, BLOCK 6, FIRST ADDITION TO KELENE GARDENS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 4818 DERBY PLACE  
KLAMATH FALLS, OR 97603-8338

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 \$1,458.82 beginning 02/01/2011; plus late charges of \$ 64.97 each month beginning 02/01/2011 payment plus prior accrued late charges of \$-129.94; plus advances of \$ 45.00; 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: \$168,970.63 with interest thereon at the rate of 8.85 percent per annum beginning 01/01/2011 plus late charges of \$ 64.97 each month beginning 02/01/2011 until paid; plus prior accrued late charges of \$-129.94; plus advances of \$ 45.00; 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  
NORMAN D CUMMINGS and MARLENE D  
CUMMINGS,

Grantor

To

RECONTRUST COMPANY, N.A.,

Trustee

TS No. 11 -0072994

#### 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

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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.

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 Tuesday, December 27, 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.

*Maria Pilar Villavicencio*

AUG 16 2011

MARIA PILAR VILLAVICENCIO, Authorized Signer

STATE OF CALIFORNIA )  
COUNTY OF VENTURA ) ss.

On AUG 16 2011, before me, JEANINE HOFFMAN, notary public, personally appeared Maria Pilar Villavicencio, 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.

*Jeanine Hoffman*  
Notary Public for CALIFORNIA  
My commission expires: APR 11 2013  
**JEANINE HOFFMAN**

(SEAL)



**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.**