

WTC 91262

2011-009984

Klamath County, Oregon



00106813201100099840030039

08/31/2011 03:21:03 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 MARJORIE E BITNER, as grantors, to ASPEN TITLE & ESCROW, INC., as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 06/22/2005, recorded 06/29/2005, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume Number M05 at Page Number 49059 as Recorder's fee/file/instrument/microfilm/reception Number -, and subsequently assigned to BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP by Assignment recorded 05/09/2011 in Book/Reel/Volume Number at Page Number as Recorder's fee/file/instrument/microfilm/reception Number 2011-005632, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED LEGAL DESCRIPTION

PROPERTY ADDRESS: 8971 SPLIT RAIL ROAD
LA PINE, OR 97739

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 \$517.65 beginning 11/01/2009; plus late charges of \$ 19.31 each month beginning 11/01/2009 payment plus prior accrued late charges of \$- 57.93; plus advances of \$155.00; 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: \$63,734.53 with interest thereon at the rate of 5.5 percent per annum beginning 10/01/2009 plus late charges of \$ 19.31 each month beginning 11/01/2009 until paid; plus prior accrued late charges of \$- 57.93; plus advances of \$155.00; 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
MARJORIE E BITNER,
Grantor

To
RECONTRUST COMPANY, N.A.,
Trustee TS No. 11 -0078426

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

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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 Monday, January 02, 2012, 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.

STATE OF California)
COUNTY OF Ventura) ss.

Heidi Recinos **AUG 25 2011**
Heidi Recinos, Authorized Signer

On AUG 25 2011, before me, JEANINE HOFFMAN, notary public, personally appeared Heidi Recinos, ~~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

(SEAL)

JEANINE HOFFMAN
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.



Exhibit A

49074

A tract of land situated in the W 1/2 SE 1/4 of Section 27, Township 23 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the South quarter corner of said Section 27; thence North 89° 46' 39" East 662.79 feet; thence North 00° 17' 12" West 1648.68 feet to the true point of beginning; thence North 00° 17' 12" West 329.70 feet; thence East 680.39 feet; thence South 00° 21' 34" East 329.71 feet; thence West 680.79 feet to the true point of beginning.

CODE 210 MAP 2310-02700 TL 01000 KEY #137435

JEB