

UTC 91304

2011-010112

Klamath County, Oregon



00106997201100101120030032

After recording return to:  
Attn: Foreclosure Department  
RECONTRUST COMPANY, N.A.  
400 National way  
SIMI VALLEY, CA 93065

09/06/2011 03:23:02 PM

Fee: \$47.00

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to that certain Trust Deed made by PATRICK M. BRITTENHAM, as grantors, to FIRST AMERICAN TITLE INSURANCE COMPANY, as Trustee, in favor of BANK OF AMERICA, N.A., as Beneficiary, dated 09/14/2006, recorded 09/15/2006, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2006-018585, covering the following described real property situated in said county and state, to wit:

PLEASE SEE ATTACHED LEGAL DESCRIPTION

PROPERTY ADDRESS: 1943 LOGAN STREET  
KLAMATH FALLS, OR 97603

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 \$1,427.37 beginning 02/01/2011; plus late charges of \$ 65.17 each month beginning 02/01/2011 payment plus prior accrued late charges of \$-195.51; plus advances of \$ 67.50; 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: \$202,390.04 with interest thereon at the rate of 6.125 percent per annum beginning 01/01/2011 plus late charges of \$ 65.17 each month beginning 02/01/2011 until paid; plus prior accrued late charges of \$-195.51; plus advances of \$ 67.50; 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**  
**PATRICK M. BRITTENHAM,**  
**Grantor**

**To**  
**RECONTRUST COMPANY, N.A.,**  
**Trustee** **TS No. 11 -0083810**

**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.

47pm

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 09, 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.

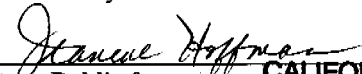
STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF VENTURA )

  
MARIA PILAR VILLAVICENCIO, Authorized Signer

AUG 30 2011

On AUG 30 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.

  
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.



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

The N1/2 of Lot 30 and a portion of Lot 29, all in VICORY ACRES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, situated in the NE1/4 NE1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, said parcel being more particularly described as follows:

Beginning at a 1/2 inch iron pipe on the Southwest corner of the N1/2 of said Lot 30, said point being on the East boundary of Logan Street and being North 0° 38' West a distance of 67.57 feet from the iron axle marking the Southwest corner of said Lot 30; thence North 0° 38' West along the East boundary of Logan Street and the West boundary of said Lots 30 and 29 a distance of 126.00 feet to a 1/2 inch iron pin; thence North 87° 34' East a distance of 290.98 feet to a 1/2 inch iron pin on the East boundary of said Lot 29; thence South 0° 06' 26" East along the East boundary of said Lots 29 and 30 a distance of 134.82 feet to a 1/2 inch iron pin on the Southeast corner of the N1/2 of said Lot 30; thence South 89° 18' 13" West along the South line of the N1/2 of said Lot 30 a distance of 289.60 feet, more or less to the point of beginning.

Tax Account No:3909-002AA-03700-000Key No:511299

PR