

1st 1802047

2012-001656

Klamath County, Oregon



00113997201200016560050057

02/14/2012 02:36:06 PM

Fee: \$57.00

RECORDING COVER SHEET

(Per ORS 205.234 or ORS 205.244)

This cover sheet has been prepared by the person presenting the attached instrument for recording. Any errors in this cover sheet do not affect the Transaction(s) contained in the instrument itself

This space reserved for use by
the County Recording Office

After recording return to:

Seaside Trustee Inc.
PO Box 2676
Ventura, California 93001

1) Title(s) of Transaction(s) ORS 205.234(a)
Notice of Default and Election to Sell

2) Direct Party/Grantor(s) and address ORS 205.125(1)(b) and ORS 205.160

First American Title Insurance Company c/o Seaside Trustee, Inc. PO Box 2676 Ventura, California 93001
Bayview Loan Servicing, LLC. 4425 Ponce De Leon Blvd., 5th Floor Coral Gables, Fl. 33146

3) Indirect Party/Grantee(s) and address ORS 205.125(1)(a) and ORS 205.160

Interbay Funding LLC a Delaware Limited Liability Company 2821 Parker Rd, Ste 705 Denver Co 80014

Sandra Lucille Nyback-Smith 3614 South 6th Street, Klamath Falls, OR 97603

3a) Trustee and address, if any

First American Title Insurance Company c/o Seaside Trustee Inc. PO Box 2676 Ventura, California 93001

4) True and Actual Consideration ORS 93.030
0.00

5) Send Tax Statements to:

Bayview Loan Servicing, LLC.
4425 Ponce De Leon Blvd., 5th Floor
Coral Gables, Fl. 33146

☐ : If this box is checked, then below applies:

If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "Rerecorded at the request of _____ to correct _____ previously recorded in Book _____ and Page _____ or as Fee Number _____."

(Legal description if corrected is attached to included certified document of the original.)

Reference # 2007-020160

**RE: Trust Deed from Sandra Lucille Nyback-Smith
Grantor
To: First American Title Insurance Company Successor
Trustee**

SPACE RESERVED FOR RECORDER'S USE

Loan No: **200063065**

Legal description is attached hereto and made a part hereof: Exhibit A

There is a default by grantor or other person owing an obligation, performance of which is secured by the trust deed, or by the successor in interest, with respect to provisions therein which authorize sale in the event of such provision. The default for which foreclosure is made is grantor's failure to pay when due the following sums:

TOTAL REQUIRED TO REINSTATE: \$17,209.79

TS No: 1104920OR

Loan No: 200063065

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit: The unpaid principal balance: \$98,072.46

Installment of Principal and Interest plus impounds and/or advances which became due on 8/1/2011 plus late charges, and all subsequent installments of principal, interest, balloon payments, plus impounds and/or advances and late charges that become payable.

Notice hereby is given that the beneficiary and trustee, by reason of 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 grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest grantor or grantor's successor 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 the reasonable fees of trustee's attorneys.

The Sale will be held at the hour of **10:00 AM**, in accord with the standard of time established by ORS 187.110 on **6/18/2012**, at the following place: **At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR**

County of Klamath, State of Oregon, which is the hour, date and place last set for sale.

Other than as shown of record, neither the beneficiary nor the trustee has 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 in interest to grantor or of any lessee or other person in possession of or occupying the property, except:

Name and Last Known Address

Nature of Right, Lien or Interest

Sandra Lucille Nyback-Smith

3614 South 6th Street
Klamath Falls, OR 97603

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 any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying the 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 fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to this 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: 2/13/2012

**First American Title Insurance Company c/o
Seaside Trustee Inc.**

By: _____



LAURA M. SOZA authorized signer

notice of default
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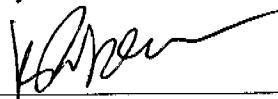
STATE OF California

COUNTY OF ORANGE

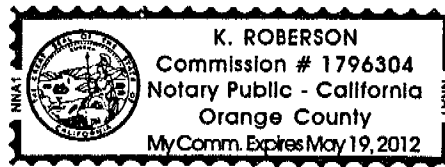
On FEB 13 2012 before me, K ROBERSON, Notary Public,
personally appeared, LAURA M. SOZA who proved to me on the
basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is
true and correct.

WITNESS my hand and official seal.



Signature of Officer



notice of default
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Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

BEGINNING AT A HALF INCH IRON PIN ON THE SOUTH LINE OF THE RELOCATED RIGHT-OF-WAY OF THE KLAMATH FALLS - LAKEVIEW HIGHWAY (SOUTH SIXTH STREET) WHICH BEARS SOUTH 80° 45' WEST A DISTANCE OF 290.3 FEET AND SOUTH 0° 06' 30" WEST A DISTANCE OF 11.82 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, SAID IRON PIN ALSO BEING THE NORTHWEST CORNER OF PARCEL OF LAND CONVEYED TO THE UNITED STATES NATIONAL BANK OF PORTLAND BY DEED RECORDED IN VOLUME 293, PAGE 435, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE NORTH 89° 58' 30" WEST ALONG SAID RELOCATED RIGHT-OF-WAY LINE, A DISTANCE OF 100.0 FEET TO AN IRON PIN; THENCE SOUTH 0° 06' 30" WEST PARALLEL WITH THE WEST LINE OF SAID UNITED STATES NATIONAL BANK PARCEL, A DISTANCE OF 150.0 FEET TO AN IRON PIN; THENCE SOUTH 89° 58' 30" EAST PARALLEL TO THE SOUTH LINE OF SAID RELOCATED HIGHWAY RIGHT-OF-WAY, A DISTANCE OF 100.0 FEET TO AN IRON PIN ON THE WEST LINE OF SAID UNITED STATES NATIONAL BANK PARCEL; THENCE NORTH 0° 06' 30" EAST ALONG SAID WEST LINE A DISTANCE OF 150 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Tax Parcel Number: R528600 and P14601