

UTC92818

2012-001740

Klamath County, Oregon

RECORDING COVER



00114090201200017400040047

02/15/2012 03:21:03 PM

Fee: \$52.00

AFTER RECORDING RETURN TO:

RECONTRUST COMPANY
400 National Way
SIMI VALLEY, CA 93065

SEND TAX STATEMENTS TO:
SAME AS ABOVE

NOTICE OF DEFAULT

TSG Number: 120049015ORGNO
TS Number: 12-0009304
DOT INST #: 2007-016022
DOT RECORDED DATE: 09/12/2007

GRANTOR: RECONTRUST COMPANY NA
400 NATIONAL WAY
SIMI VALLEY, CA 93065

ORIGINAL
BENEFICIARY: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
1800 TAPO CANYON ROAD
SIMI VALLEY, CA 93063

GRANTEE: BANK OF AMERICA, N.A. 1800 TAPO CANYON ROAD
SIMI VALLEY, CA 93063

BORROWER: JIMMY DALE JOHNSTON, AND ANGELA KAY JOHNSTON
2506 WESTERN ST
KLAMATH FALLS, KLAMATH 97603-9458

RECONTRUST COMPANY, N.A.
1800 Tapo Canyon Rd., CA6-914-01-94
SIMI VALLEY, CA 93063

52Awt

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 JIMMY DALE JOHNSTON, AND ANGELA KAY JOHNSTON, HUSBAND AND WIFE, as grantors, to FIDELITY NATIONAL TITLE INSURANCE CO, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 08/21/2007, recorded 09/12/2007, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2007-016022, and subsequently assigned to BANK OF AMERICA, N.A. by Assignment recorded 01/11/2012 in Book/Reel/Volume Number at Page Number as Recorder's fee/file/instrument/microfilm/reception Number 2012-000256, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED LEGAL DESCRIPTION

PROPERTY ADDRESS: 2506 WESTERN ST
KLAMATH FALLS, OR 97603-9458

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 \$1,872.11 beginning 09/01/2009; plus late charges of \$ 72.16 each month beginning 09/01/2009 payment plus prior accrued late charges of \$-793.76; plus advances of \$2,338.50; 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: \$341,586.98 with interest thereon at the rate of 8.5 percent per annum beginning 08/01/2009 plus late charges of \$ 72.16 each month beginning 09/01/2009 until paid; plus prior accrued late charges of \$-793.76; plus advances of \$2,338.50; 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
JIMMY DALE JOHNSTON,
Grantor
To
RECONTRUST COMPANY, N.A.,
Trustee TS No. 12 -0009304

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.

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, June 25, 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.

FEB 10 2012

STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

CHRISTINA BALANDRAN
Assistant Vice President

Cynthia Patricia Nuno

On FEB 10 2012, before me, _____, notary public, personally appeared CHRISTINA BALANDRAN, 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: SEP 25 2012
Cynthia Patricia Nuno

(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.



TS# 12-9304

Legal Description

A PARCEL OF LAND LOCATED IN THE STATE OF OR, COUNTY OF KLAMATH, WITH A SITUS ADDRESS OF 2506 WESTERN ST, KLAMATH FALLS OR 97603-9458 CURRENTLY OWNED BY JOHNSTON JIMMY DALE & JOHNSTON ANGELA KAY HAVING A TAX ASSESSOR NUMBER OF 00R589651 AND BEING THE SAME PROPERTY MORE FULLY DESCRIBED AS SKYLINE VIEW* LOT 8 AND DESCRIBED IN DOCUMENT NUMBER 5-67177 DATED 10/10/2005 AND RECORDED 10/21/2005.



U41314579-010P18

DEED OF TRUST
LONN 177810648
US Recordings

VT# 2385438, JOHNSTON, JIMMY