

WTC 93602

2012-004769
Klamath County, Oregon



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

05/07/2012 03:14:37 PM

Fee: \$52.00

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain Trust Deed made by RICHARD J. ZUPAN AND KIM M. ZUPAN, AS TENANTS BY THE ENTIRETY, as grantors, to FIRST AMERICAN TITLE INSURANCE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 08/22/2008, recorded 08/28/2008, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2008-012099, and subsequently assigned to BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP, FKA, COUNTRYWIDE HOME LOANS SERVICING, L.P. by Assignment recorded 02/14/2012 in Book/Reel/Volume Number at Page Number as Recorder's fee/file/instrument/microfilm/reception Number 2012-001615, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED FOR LEGAL DESCRIPTION.

PROPERTY ADDRESS: 4614 DENVER AVENUE
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 \$1,013.85 beginning 10/01/2011; plus late charges of \$ 40.55 each month beginning 10/01/2011 payment plus prior accrued late charges of \$.00; plus advances of \$0.00; 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: \$140,045.88 with interest thereon at the rate of 5.375 percent per annum beginning 09/01/2011 plus late charges of \$ 40.55 each month beginning 10/01/2011 until paid; plus prior accrued late charges of \$.00; plus advances of \$0.00; 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
RICHARD J. ZUPAN and KIM M. ZUPAN,
Grantor

To
RECONTRUST COMPANY, N.A.,
Trustee **TS No. 12 -0036244**

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 Wednesday, September 12, 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 _____)
) ss.
COUNTY OF _____)


CHRISTINA BALANDRAN
Assistant Vice President

MAY 02 2012

On _____, before me, _____, notary public, personally appeared _____, 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 _____
My commission expires: _____

(SEAL)

See attached Acknowledgment

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.

ACKNOWLEDGMENT

State of California
County of Ventura

On MAY 02 2012 before me, JEANINE HOFFMAN, Notary Public

personally appeared CHRISTINA BALANDRAN
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 *Jeanine Hoffman* (Seal)
JEANINE HOFFMAN



Description of Attached Document TS# 12-0036244
Title or Type of Document Notice of Default and Election to Sell
Document Date: MAY 02 2012 Number of Pages: 2

Exhibit "A"

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

A PIECE OR PARCEL OF LAND SITUATE IN THE N½SE¼NW¼ OF SECTION 11, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF A 60 FOOT ROADWAY FROM WHICH THE SECTION CORNER COMMON TO SECTIONS 2, 3, 10 AND 11, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN AND SO MARKED ON THE GROUND BY AND IRON PIN DRIVEN THEREIN, BEARS SOUTH 89°44½' WEST ALONG THE SAID BOUNDARY CENTER LINE 1419.5 FEET TO A POINT IN THE WEST BOUNDARY OF THE SAID SECTION 11, AND NORTH 0°13½' WEST 1662.5 FEET TO SAID SECTION CORNER, AND RUNNING THENCE SOUTH 0°01' EAST 331.45 FEET TO A POINT IN THE SOUTHERLY BOUNDARY OF THE SAID N½SE¼NW¼ OF SECTION 11; THENCE NORTH 89°42' EAST ALONG SAID BOUNDARY LINE 65.7 FEET; THENCE NORTH 0°01' WEST 331.4 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE CENTER LINE OF THE ABOVE MENTIONED ROADWAY; THENCE SOUTH 89°44½' WEST ALONG SAID ROADWAY CENTER LINE 65.7 FEET, MORE OR LESS, TO THE SAID POINT OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008.

Tax Parcel Number: R552226