

UTC 93852

2012-006274

Klamath County, Oregon



00119488201200062740040041

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

06/08/2012 03:21:28 PM

Fee: \$52.00

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to that certain Trust Deed made by RYAN D. MCNIVEN AND BRITTANY R. MCNIVEN, HUSBAND AND WIFE., as grantors, to AMERITITLE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 01/03/2007, recorded 01/05/2007, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2007-000259, and subsequently assigned to U.S. BANK, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO BANK OF AMERICA, N.A., AS SUCCESSOR TO LASALLE BANK, N.A. AS TRUSTEE FOR THE HOLDERS OF THE MERRILL LYNCH FIRST FRANKLIN MORTGAGE LOAN TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2007-1 by Assignment recorded 04/10/2012 in Book/Reel/Volume Number at Page Number as Recorder's fee/file/instrument/microfilm/reception Number 2012-003760, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED LEGAL DESCRIPTION.

PROPERTY ADDRESS: 5418 LOCKFORD DR  
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 \$787.77 beginning 12/01/2011; plus late charges of \$ 28.67 each month beginning 12/01/2011 payment plus prior accrued late charges of \$- 85.78; plus advances of \$ 45.00; 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: \$144,851.30 with interest thereon at the rate of 4.75 percent per annum beginning 11/01/2011 plus late charges of \$ 28.67 each month beginning 12/01/2011 until paid; plus prior accrued late charges of \$- 85.78; plus advances of \$ 45.00; 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**  
**RYAN D. MCNIVEN and BRITTANY R. MCNIVEN,**  
**Grantor**  
  
**To**  
**RECONTRUST COMPANY, N.A.,**  
**Trustee TS No. 12 -0050247**

**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

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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, October 15, 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.

JUN 06 2012

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

**CHRISTINA BALANDRAN** Assistant Vice President

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.

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

A parcel of land situated in the N1/2 S1/2 NE1/4 SE1/4 of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of the E1/2SE1/4 (E 1/16 corner) of said Section 11, thence North 00° 26' 00" West (North 00° 16' West by Deed Volume M74-9088 as recorded in the Klamath County Deed Records) 1786.3 feet; thence South 89° 40' 10" East (South 89° 31' East by said Deed Volume M74-9088) 150.00 feet to the True Point of Beginning of this description; thence continuing South 89° 40' 10" East 85.00 feet; thence South 00° 19' 50" West 129.99 feet to the South line of said N1/2S1/2NE1/4SE1/4; thence North 89° 40' 10" West along said line, 83.27 feet; thence North 00° 26' 00" West (North 00° 16' West by said Deed Volume M74-9088) 130.00 feet to the True Point of Beginning.

TOGETHER WITH a 60 foot easement, for ingress and egress, described as follows:

Beginning at the True Point of Beginning of the above described parcel; thence South 89° 40' 10" East 85.00 feet, thence North 00° 19' 50" East 60.00 feet; thence North 89° 40' 10" West 205.80 feet to the Easterly right of way line of Homedale Road; thence South 00° 26' 00" East, along said right of way line, 60.00 feet; thence South 89° 40' 10" East 120 feet to the Point of Beginning, with bearings based on Survey No. 1538, as recorded in the office of the Klamath County Surveyor.

*RDM*  
*BRM*

## ACKNOWLEDGMENT

State of California  
County of Ventura

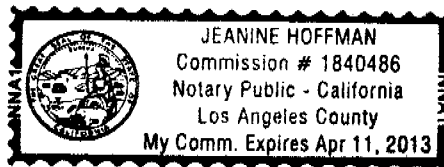
On JUN 06 2012 before me, JEANINE HOFFMAN, Notary Public

Christina Balandran  
personally appeared \_\_\_\_\_  
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# 12-1050247  
Title or Type of Document Notice of Default and Election to Sell  
Document Date: JUN 06 2012 Number of Pages: 2