

MTC 0094011

2012-007207

Klamath County, Oregon

RECORDING REQUESTED BY  
and When Recorded Mail to:

**Fidelity National Title Insurance Company**  
11000 Olson Drive Ste 101  
Rancho Cordova, CA 95670



00120578201200072070030032

06/29/2012 02:53:08 PM

Fee: \$47.00

TS No.: 12-01445-5  
Loan No: 0263627424

**TAX ID: R3909-011DC-08600**

### NOTICE OF DEFAULT

Reference is made to that certain Deed of Trust made by DONNA D. COLMENERO, A SINGLE WOMAN, as the original grantor, to FIDELITY NATIONAL TITLE INSURANCE COMPANY, as the original trustee, in favor of Wells Fargo Bank, NA, as the original beneficiary, dated as of September 3, 2009, and recorded September 4, 2009, as Instrument No. 2009-011916, of Official Records in the Office of the Recorder of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, (the "Deed of Trust"):

The current beneficiary is: Wells Fargo Bank, NA, the ("Beneficiary").

APN: R3909-011DC-08600

SEE "EXHIBIT A" ATTACHED HERETO AND MADE PART HEREOF

Commonly known as: 5304 STURDIVANT AVENUE, KLAMATH FALLS, OR 97603 *650*

The undersigned Fidelity National Title Insurance Company, as duly appointed Trustee, hereby certifies that to the best of its knowledge and based on information available, that no assignments of the Deed of Trust by the beneficiary and no appointments of a successor trustee have been made, except as recorded in the records of the county or counties in which the above described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the Deed of Trust, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by grantor or other person owing an obligation, performance of which is secured by the Deed of Trust, 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 that the grantor(s): failed to pay payments which became due; together with late charges due; together with other fees and expenses incurred by the Beneficiary; and which defaulted amounts total: \$2,974.11 as of June 23, 2012.

By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Deed of Trust immediately due and payable, those sums being the following, to wit: The sum of \$134,705.73 together with interest thereon at a rate of 4.87500% per annum from February 1, 2012 until paid: plus all accrued late charges thereon and all Trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed trust.

Notice hereby is given that the Beneficiary and Trustee, by reason of default, have elected and do hereby elect to foreclose the Deed of Trust 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 Deed of Trust, together with any interest grantor or grantor's successor in interest acquired after the execution of the Deed of Trust, to satisfy the obligations secured by the Deed of Trust and the expenses of the sale, including the compensations of the Trustee as provided by law, and the reasonable fees of Trustee's attorneys.

47.00

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 **November 2, 2012**, at the following place: **on the front steps of the Circuit Court, 316 Main Street., in the City of Klamath Falls, County of Klamath, State of Oregon.**

**FOR SALE INFORMATION CALL: 714.730.2727**  
**Website for Trustee's Sale Information: [www.lpsasap.com](http://www.lpsasap.com)**

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 Deed of Trust, or of any successor in interest to grantor or of any lessee or other person in possession of or occupying the property.

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 Deed of Trust 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), together with costs, Trustee's and attorney's fees, 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, at any time prior to five days before the date last set for sale.

**FOR FURTHER INFORMATION CONTACT:**  
**FIDELITY NATIONAL TITLE INSURANCE COMPANY**  
11000 Olson Drive Ste 101  
Rancho Cordova, CA 95670  
916-636-0114

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: June 23, 2012

Fidelity National Title Insurance Company, Trustee

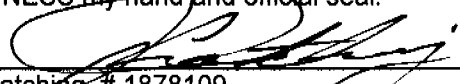
  
Megan Curtis, Authorized Signor

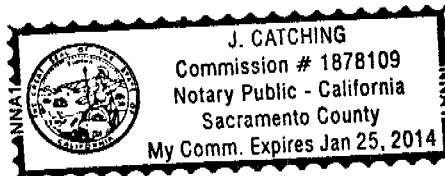
State of California }ss.  
County of Sacramento }ss.

On June ~~28~~<sup>27</sup>, 2012, before me, J. Catching, Notary Public, personally appeared Megan Curtis, 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.

  
J. Catching # 1878109  
My Commission Expires January 25, 2014



(Seal)

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

**Parcel 1**

**Lot 59, LAMRON HOMES, , according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.**

**Parcel 2**

**A 15 foot strip of land situated in the S1/2 SW1/4 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 Southeast corner of Lot 59; Lamron Homes Subdivision, according to the duly recorded plat thereof; thence South 0 degrees 07' East a distance of 15 feet to the South line of Section 11; thence North 89 degrees 56' West along the South line of said Section 11 a distance of 85 feet; thence North 0 degrees 07' West a distance of 15 feet to the Southwest corner of said Lot 59; thence South 89 degrees 56' East along the South line of said Lot 59 a distance of 85 feet, more or less, to the point of beginning.**