

2013-010792

Klamath County, Oregon



00142727201300107920040048

09/24/2013 09:38:27 AM

Fee: \$52.00

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from Jerome A. Fanaro and
Davonna M. Fanaro, Husband and Wife, Grantor

To First American Title Insurance Company,
an Oregon Corporation, as Trustee

For the benefit of Bruce Brink, Beneficiary

AFTER RECORDING RETURN TO:
Scott D. MacArthur, Successor Trustee
125 S. 6th Street
Klamath Falls, OR 97601

Returned @ 9/24/13

NOTICE OF DEFAULT AND ELECTION TO SELL

KNOW ALL MEN BY THESE PRESENTS, that JEROME A. FANARO and DAVONNA M. FANARO, Husband and Wife, is the grantor, and FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, an Oregon Corporation is the trustee, and BRUCE BRINK is the beneficiary under that certain trust deed dated June 14, 2006, and recorded on July 7, 2006, in book/reel/volume No. M06 at page 013781 of the Mortgage (Microfilm) Records of Klamath County, Oregon. The property is located at 2427 Reclamation Avenue, Klamath Falls, Oregon 97601 and legally described as:

Lot 726 in Block 129, MILLS ADDITION TO THE CITY OF KLAMATH FALLS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of a successor-trustee have been made except as recorded in the mortgage records of the county or counties in which the above described real property is situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action has been instituted, such action has been dismissed.

There is a default by the grantor or other person 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 grantor's failure to pay when due the following sums:

Monthly payments in the amount of \$743.60 per month for the months of December 2006 - April 2007; June 2007; September 2007; December 2007; May 2010; January - June 2011; June 2012; August 2012; October 2012 through the present.

Taxes unpaid and added back from tax year 2007-2008 in the amount of \$688.23, plus interest.

Payment of the real property taxes for the tax year 2012-2013 in the amount of \$719.74, plus interest.

A Judgment Lien in favor Scott G. Campbell attached to the property on May 6, 2008 in the amount of \$6,170.00 plus \$920.20 attorney fees; \$310.00 in court costs together with interest thereon in Klamath County Circuit Case 0800569-CV.

A Judgment Lien in favor D.A. Summers, dba Judgment Resolution attached to the property on June 13, 2008 in the amount of \$6,170.00 plus costs and attorney fees. Recorded at Volume 2008, Page 008585.

A Judgment Lien in favor Carter-Jones Collections Services attached to the property on September 15, 2010 in the amount of \$464.05, in Klamath County Circuit Case 1003613-CV.

A Judgment Lien in favor Midland Funding LLC attached to the property on January 13, 2011 in the amount of \$3, 573.98 plus court costs and attorney fees and interest, in Klamath County Circuit Case 1004052-CV.

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: \$92,129.81 as of September 24, 2013, plus interest and costs.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose said trust deed by advertisement and sale pursuant to Oregon Revised Statutes Sections 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for case the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by him of the trust deed, together with any interest the grantor or his successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said trust deed and the expenses of the sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorney.

Said sale will be held at the hour of 11:00 o'clock, A.M., Standard Time as established by Section 187.110 of Oregon Revised Statutes on February 1, 2014, at the following place: 125 S. 6th Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place fixed by the trustee of said sale.

Other than as shown of record, neither the said beneficiary or the said 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 the grantor or of any lessee or other person in possession of or occupying the property, except:

NAME AND LAST KNOWN ADDRESS

Jerome A. Fanaro
2447 Reclamation Avenue
Klamath Falls, OR 97601

NATURE OF RIGHT, LIEN OR INTEREST

Default upon Trust Deed

Davonna M. Fanaro
2447 Reclamation Avenue
Klamath Falls, OR 97601

Default upon Trust Deed

Fisher Nicholson Realtors, LLC
an Oregon Limited Liability Company
403 Main Street
Klamath Falls, OR 97601

Inferior Deed of Trust, Dated
June 14, 2006. Recorded July 7, 2006
At Volume M06 at Page 013782,
of the Mortgage (Microfilm) Records of
Klamath County, Oregon

D.A. Summers, dba Judgment Resolution
1990 N. California Blvd., Suite 830
Walnut Creek, CA 94596

Judgment entered May 6, 2008
Klamath County Case 0800569-CV
\$6,170.00 Judgment, \$920.20 Attorney Fees,
\$310.00 Court Costs in favor of Scott G. Campbell

Carter-Jones Collection Services
C/O Neal Buchanan, Attorney at Law
435 Oak Street
Klamath Falls, OR 97601

Judgment entered September 15, 2010
Klamath County Case 1003613-CV
\$464.05 Judgment

Midland Funding, LLC
C/O Daniel N. Gordon, P.C.
P.O. Box 22338
Eugene, OR 97402

Judgment entered January 13, 2011
Klamath County Case 1004052-CV
\$3,573.98 Judgment

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 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 said Section 86.753 of Oregon Revised Statutes.

In construing this notice, the masculine gender includes the feminine and the neuter, 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.

DATED: September 24, 2013.

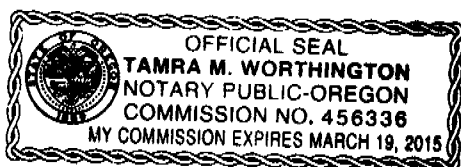
Scott D. MacArthur

Scott D. MacArthur
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 24th day of September, 2013,
by Scott D. MacArthur.

(S E A L)



Before me: *Tamra M. Worthington*
Notary Public for Oregon
My Commission Expires: March 19, 2015