

2014-013448**Klamath County, Oregon****12/31/2014 12:15:28 PM****Fee: \$62.00****When recorded mail document to:**

Clear Recon Corp
621 SW Morrison Street, Ste 425
Portland, OR 97205

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF DEFAULT AND ELECTION TO SELL

TS No.: 022032-OR

Loan No.: *****8426

Legal Authority: ORS 86.752, 86.771

Reference is made to that certain trust deed (the "Deed of Trust") executed by FLOYD DWAYNE HERRINGTON AND MARILYN G HERRINGTON, HUSBAND AND WIFE, as Grantor, to FIDELITY NATIONAL TITLE INS CO, as Trustee, in favor of Wells Fargo Bank, NA, as Beneficiary, dated 7/1/2011, recorded 8/3/2011, as Instrument No. 2011-008925, in the Official Records of Klamath County, Oregon, which covers the following described real property situated in Klamath County, Oregon:

**PARCEL 1 OF LAND PARTITION 45-97, BEING A PORTION OF LOT 59 FAIR ACRES
SUB-DIVISION NUMBER 1, SITUATED IN THE NW 1/4 SE 1/4 OF SECTION 35,
TOWNSHIP 38 SOUTH, RANGE 9, EAST OF THE WILLAMETTE MERIDIAN,
KLAMATH COUNTY, OREGON.**

APN: R450363 / 3809-035DB-00900-000**Commonly known as:**

**1270 HOMEDALE ROAD
KLAMATH FALLS, OREGON 97603**

The current beneficiary is:**Wells Fargo Bank, N.A.**

The undersigned hereby certifies that no assignments of the Deed of Trust by the trustee or 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, the action has been dismissed, except as permitted by ORS 86.752(7), 86.010.

There is a default by grantor or other person owing an obligation, or by their successor-in-interest, the performance of which is secured by the Deed of Trust 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:

Delinquent Payments:

<u>Dates:</u>	<u>No.</u>	<u>Amount</u>	<u>Total:</u>
03/01/14 thru 05/01/14	3	\$828.98	\$2,486.94

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06/01/14 thru 12/01/14	7	\$922.00	\$6,454.00
<i>Late Charges:</i>			\$136.36
<i>Beneficiary Advances:</i>			\$0.00
<i>Foreclosure Fees and Expenses:</i>			\$795.00
TOTAL REQUIRED TO REINSTATE:			\$9,872.30

By reason of the default, the beneficiary has declared all obligations secured by the Deed of Trust immediately due and payable, those sums being the following: **\$127,368.20**

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 grantor executed 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.

The Sale will be held at the hour of **10:00 AM.**, standard time, as established by ORS 187.110, on **5/14/2015**, at the following place:

**ON THE MAIN STREET ENTRANCE STEPS TO THE KLAMATH COUNTY CIRCUIT COURT,
316 MAIN ST, KLAMATH FALLS, OR 97601**

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 trust deed, or of any successor in interest to grantor or of any lessee or other person in possession of or occupying the property, except:

<u>Name and Last Known Address</u>	<u>Nature of Right, Lien or Interest</u>
FLOYD D HERRINGTON 128 MODOC DR ADIN, CA 96006	Trustor under said Deed of Trust
FLOYD DWAYNE HERRINGTON 1270 HOMEDALE RD KLAMATH FALLS, OR 97603	Trustor under said Deed of Trust
FLOYD DWAYNE HERRINGTON 1270 HOMEDALE ROAD KLAMATH FALLS, OR 97603	Trustor under said Deed of Trust
FLOYD DWAYNE HERRINGTON 1270 HOMEDALE ROAD KLAMATH FALLS, OREGON 97603	Trustor under said Deed of Trust
FLOYD DWAYNE HERRINGTON 128 MODOC DR ADIN, CA 96006	Trustor under said Deed of Trust
MARILYN G HERRINGTON 1270 HOMEDALE RD KLAMATH FALLS, OR 97603	Trustor under said Deed of Trust

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MARILYN G HERRINGTON
1270 HOMEDALE ROAD
KLAMATH FALLS, OR 97603

Trustor under said Deed of Trust

MARILYN G HERRINGTON
1270 HOMEDALE ROAD
KLAMATH FALLS, OREGON 97603

Trustor under said Deed of Trust

MARILYN G HERRINGTON
128 MODOC DR
ADIN, CA 96006

Trustor under said Deed of Trust

Notice is further given that any person named in ORS 86.778 has the right, at any time prior to five days before the date last set for the sale, to have the 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), and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or Deed of Trust, and in addition to paying the sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Deed of Trust, together with trustee's and attorneys' fees not exceeding the amounts provided by ORS 86.778.

Without limiting the trustee's disclaimer of representations or warranties, Oregon law requires the trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's sale.

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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 Deed of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: 12/30/2014

CLEAR RECON CORP
621 SW Morrison Street, Ste 425
Portland, OR 97205
858-750-7600

By: 
Name: PIETRO VELLA

, Authorized

Signatory of Trustee

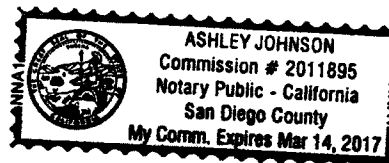
State of California)
) ss.
County of San Diego)

On **DEC 30 2014** before me, ASHLEY JOHNSON, Notary Public, personally appeared PIETRO VELLA 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:  (Seal)



AFTER RECORDING RETURN TO:



**CERTIFICATE OF COMPLIANCE
STATE OF OREGON
FORECLOSURE AVOIDANCE PROGRAM**

Christopher Vaquez
For Wells Fargo
ATTN: SDDMT-MAC T7405-020
4101 Wiseman Blvd, Bldg 106
San Antonio, TX 78251-4200

7/30/2014

Grantor:	FLOYD D HERRINGTON and MARILYN G HERRINGTON
Beneficiary:	WELLS FARGO BANK, N.A.
Property Address:	1270 HOMEDALE ROAD KLAMATH FALLS, OR 97603
Instrument / Recording No. Date / County	Instrument Number: 2011-008925 Recording Number: 2011-008925 Loan Number: [REDACTED] 8426 8/3/2011 Klamath
Case Number	BI-140516-2142

1. The Service Provider hereby certifies that:

☐

The beneficiary and/or its agent complied with the requirements of Oregon Laws 2013, Chapter 304, sections 2, 3, and 4;
or

☒

The grantor did not pay the required fee by the deadline.

2. On this date, I mailed the original certificate to the beneficiary and provided a copy to the grantor and the Attorney General electronically or by mail.

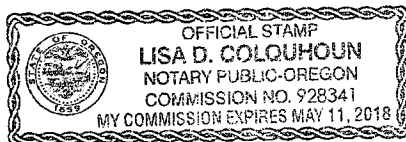
DATED this 30 day of July, 2014.

April Curtis
Compliance Officer, Oregon Foreclosure Avoidance Program

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on _____
as Compliance Officer of Mediation Case Manager.

July 30, 2014, by April Curtis
[Print Name]



Lisa D. Colquhoun
Notary Public - State of Oregon
My Commission Expires: May 11, 2018