

2016-006859

Klamath County, Oregon

06/29/2016 01:47:53 PM

Fee: \$52.00

**When recorded mail document to:**

Clear Recon Corp  
111 SW Columbia Street #950  
Portland, OR 97201  
Phone: 866-931-0036

160021076

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**NOTICE OF DEFAULT AND ELECTION TO SELL**

TS No.: 038892-OR

Loan No.: \*\*\*\*\*4361

Legal Authority: ORS 86.752, 86.771

Reference is made to that certain trust deed (the "Deed of Trust") executed by JORGE GARCIA, AN UNMARRIED MAN, as Grantor, to PACIFIC NORTHWEST COMPANY OF OREGON, INC., as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC., SOLELY AS NOMINEE FOR QUICKEN LOANS INC., MML 5357, ITS SUCCESSORS AND ASSIGNS, as Beneficiary, dated 2/2/2013, recorded 2/7/2013, as Instrument No. 2013-001384, in the Official Records of Klamath County, Oregon, which covers the following described real property situated in Klamath County, Oregon:

**Lot 84 of CASITAS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, and the Northerly 12 feet of Lot 85 of CASITAS as adjusted by Lot Line Adjustment 16-98 filed April 16, 1998.**

**APN: R544496 // R-3909-010CD-06900-000**

**Commonly known as:**

**4338 AUSTIN ST**

**KLAMATH FALLS, OR 97603**

**The current beneficiary is:**

**DITECH FINANCIAL LLC**

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>
01/01/15 thru 05/01/15	5	\$802.17	\$4,010.85

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06/01/15 thru 06/01/16	13	\$772.90	\$10,047.70
<i>Late Charges:</i>			\$501.72
<i>Beneficiary Advances:</i>			\$1,390.25
<i>Foreclosure Fees and Expenses:</i>			\$463.00
<b>TOTAL REQUIRED TO REINSTATE:</b>			<b>\$16,413.52</b>

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: **\$117,955.73**

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 **11/10/2016**, at the following place:

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

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: 6/28/2016

**CLEAR RECON CORP**  
111 SW Columbia Street #950  
Portland, OR 97201  
Phone: 858-750-7600 or 866-931-0036

**CLARIBEN HUNTINGTON**, Authorized Signatory of Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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

On JUN 28 2016 before me, Silver De Vera, Notary Public, personally appeared CLARIBEN HUNTINGTON who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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 [Signature] (Seal)

