

2019-011752

Klamath County, Oregon

10/08/2019 02:06:01 PM

Fee: \$92.00

NOTICE OF DEFAULT AND ELECTION TO SELL

Original Beneficiary Name:

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC "MERS" AS NOMINEE FOR GB MORTGAGE, LLC IT'S SUCCESSORS AND/OR ASSIGNS

Trustor Name:

DAVID M FLEMING-JONES and ANGIE T FLEMING-JONES

Original Trustee Name:

REGIONAL TRUSTEE SERVICES CORP.

Original trust deed recorded:

5/27/2008, as Document No.: 2008-007651

TS NO.: NR-51590-CA

After recording return to:

Darren J. Devlin, Esq., Bar #971211
5677 Oberlin Drive, Suite 210
San Diego, California 92121
Phone: 844-252-6972

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by DAVID M FLEMING-JONES AND ANGIE T FLEMING-JONES, AS TENANTS BY THE ENTIRETY as grantor, to DARREN J. DEVLIN, ESQ. as successor trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC "MERS" AS NOMINEE FOR GB MORTGAGE, LLC IT'S SUCCESSORS AND/OR ASSIGNS, as beneficiary, dated 5/20/2008, recorded 5/27/2008, in the Records of Klamath County, Oregon, in book XX at page XX, and/or as fee/file/instrument/microfilm/reception No. 2008-007651 (indicate which), covering the following described real property situated in the above-mentioned county and state, to wit:

Lot 3 of Block 1 in LAWANDA HILLS, TRACT NO. 1002, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. SAVING AND EXCEPTING THEREFROM that portion thereof, conveyed to State of Oregon, by and through its Department of Transportation Highway Division, by Deed recorded May 19, 1989 in Book M89, page 8706.

The street address or other common designation, if any for the real property described above is purported to be:
5705 Blue Mountain Drive, Klamath Falls, OR 97601

The Tax Assessor's Account ID for the Real Property is purported to be: **497153**

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 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 trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by law.

There is a default by grantor or other person owing an obligation, performance of which is secured by the trust deed, 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 grantor's failure to pay when due the following sums:

TS No: NR-51590-CA

Loan No: 290389

Delinquent Payments

<u>FROM</u>	<u>THRU</u>	<u>NO. PMT</u>	<u>RATE</u>	<u>AMOUNT</u>	<u>TOTAL</u>
11/1/2018	8/31/2019	10	0	\$1,168.16	\$11,681.60
9/1/2019	10/2/2019	2	0	\$1,329.57	\$2,659.14

Accrued Late Charges	\$690.44
Corp Advance	\$835.89

\$15,867.07

TOTAL FORECLOSURE COST (estimated): \$2,767.92

TOTAL REQUIRED TO REINSTATE: \$18,634.99

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

Installment of Principal and Interest plus impounds and/or advances which became due on 11/1/2018 plus late charges, and all subsequent installments of principal, interest, balloon payments, plus impounds and/or advances and late charges that become payable.

Notice hereby is given that the beneficiary and trustee, by reason of 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 grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest grantor or grantor's successor 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 the reasonable fees of trustee's attorneys.

The Sale will be held at the hour of **1:00 PM**, in accord with the standard of time established by ORS 187.110 and pursuant to ORS 86.771(7) on **2/20/2020**, at the following place: **AT THE MAIN STREET ENTRANCE TO KLAMATH COUNTY COURTHOUSE 316 MAIN STREET, KLAMATH FALLS, OREGON**

County of Klamath, State of Oregon, which is the hour, date and place last set for sale.

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:

Name and Last Known Address

DAVID M FLEMING-JONES and ANGIE T FLEMING-JONES
5705 Blue Mountain Dr
Klamath Falls, OR 97601

Nature of Right, Lien or Interest

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 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 the 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 fees not exceeding the amounts provided by ORS 86.778.

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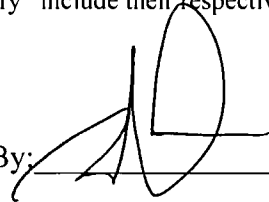
Loan No: 290389

The mailing address of the trustee is
DARREN J. DEVLIN, ESQ.
5677 Oberlin Drive, Suite 210
San Diego, California 92121
Phone: 844-252-6972

Without limiting the trustee's disclaimer of representation 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.

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: 10/2/19

By: 

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
County of San Diego

On 10/2/19 before me, Cynthia L Russell a notary public, personally appeared Darren J. Devlin 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 Cynthia L Russell

