

NOTICE OF DEFAULT AND ELECTION TO SELL

WHEREAS Gertrude L. Wright, an unmarried woman, as grantor, made, executed and delivered to Oregon Title Company of Klamath County, as trustee, that certain trust deed dated November 27, 1964, and recorded November 30, 1964, in Mortgage Volume 227, page 422, of the Mortgage Records of Klamath County, Oregon, covering the following-described real property situated in said county:

Lot A in Block A of NICHOLS ADDITION to the City of Klamath Falls, Oregon, according to the Supplemental Plat of Block A of NICHOLS ADDITION now on file in the office of the County Clerk of Klamath County, Oregon;

ALSO two (2) feet off the Southerly side of the alley and adjoining said Lot A, Block A, NICHOLS ADDITION, same having been granted by the passing of Ordinance No. 2040 by the Common Council of the City of Klamath Falls, Oregon, said Ordinance being recorded January 9, 1930, in Deed Volume 88 at page 470, Records of Klamath County, Oregon.

to secure the performance of certain obligations, including the payment of a certain promissory note in the principal sum of \$10,650, made, executed and delivered on the same day to First National Bank of Oregon, a national banking association, as beneficiary of said trust deed; and

WHEREAS Transamerica Title Insurance Company was duly appointed successor trustee by a certain instrument dated September 19, 1969, and recorded on film on September 23, 1969, in Volume M-69, page 8187, of said Mortgage Records of Klamath County, Oregon, and is now vested with all the powers of said former trustee; and

WHEREAS the undersigned hereby certifies that no assignments of said trust deed by the trustee or by the beneficiary and no appointments of a successor trustee have been made except as mentioned

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hereinabove and recorded in the Mortgage Records of the county in which the above-described real property is situate, and that the First National Bank of Oregon is the owner and holder of said note, the payment of which is secured by said trust deed; and

WHEREAS San-Car, Inc., a Nevada corporation, whose last-known address is 2486 Stevens Creek Boulevard, San Jose, California 95128, has or claims to have some right, title or interest in and to said real property by virtue of its having assumed the indebtedness owed by Gertrude L. Wright to First National Bank of Oregon, and by virtue of its executing a trust deed dated July 25, 1968, recorded August 6, 1968, in Volume M-68, at page 7099, of the Mortgage Records of Klamath County, Oregon, to Transamerica Title Insurance Co. as trustee for Robert B. McWhinney and Gertrude L. McWhinney (formerly Gertrude L. Wright), beneficiaries; but any right, title, interest or claim of San-Car, Inc., in or to said real property or any part thereof is subsequent in time and subject to the lien of said trust deed; and

WHEREAS Robert B. McWhinney, whose last-known address is 948 Ravenscourt, Apartment 4, San Jose, California 95128, has or claims to have some right, title or interest in and to said real property by virtue of his being beneficiary under that certain trust deed executed by San-Car, Inc., on July 25, 1968, and recorded August 6, 1968, in Volume M-68, page 7099, of the Mortgage Records of Klamath County, Oregon, but any right, title, interest or claim of Robert B. McWhinney in or to said real property or any part thereof is subsequent in time and subject to the lien of said trust deed; and

WHEREAS Transamerica Title Insurance Company, a California corporation, whose last-known address is 315 S. W. Fourth Avenue, Portland, Oregon 97204, has or claims to have some right, title or interest in and to said real property by virtue

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of its being trustee under that certain trust deed executed by San-Car, Inc., on July 25, 1968, and recorded August 6, 1968, in Volume M-68, page 7099, of the Mortgage Records of Klamath County, Oregon; but any right, title, interest or claim of Transamerica Title Insurance Company in or to said real property or any part thereof is subsequent in time and subject to the lien of said trust deed; and

WHEREAS, other than as shown of record, neither said beneficiary nor 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 as set forth above;

NOTICE IS HEREBY GIVEN That grantor is in default in the performance of certain provisions of said Trust Deed which provisions authorize sale of the above-described real property in the event of such default, in that grantor has failed to pay when due, the following sums:

\$95 due on May 1, 1969  
\$95 due on Jun 1, 1969  
\$95 due on Jul 1, 1969  
\$95 due on Aug 1, 1969  
\$95 due on Sep 1, 1969

which are now past due, owing and delinquent; and the aforesaid failure of grantor is the default for which the foreclosure mentioned below is made, and by reason of said default the beneficiary has declared the indebtedness secured by said trust deed immediately due, owing and payable; and there accordingly is now owing thereon, and immediately payable, the sum of \$8,896.37, together with interest thereon at the rate of 5 1/4 percent per annum from April 1, 1969, until paid;

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NOTICE IS FURTHER GIVEN that the beneficiary, by reason of said default, has elected, and does 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 cash the interest in said real property which the grantor had, or had the power to convey, at the time of the execution by her of the trust deed, together with any interest the grantor or her successors in interest acquired after the execution of said trust deed, to satisfy the indebtedness secured by said trust deed and the expenses of the sale, including the cost of a title search, a reasonable charge by the trustee as provided by law, and the reasonable fees of the trustee's attorneys.

Said sale will be held at the hour of 11 a.m., on February 19, 1970, at the following place: Transamerica Title Insurance Company at 600 Main Street in the city of Klamath Falls, county of Klamath, state of Oregon, which is the hour, date and place fixed by the trustee for said sale.

The undersigned hereby certifies that no action, suit or proceeding has been instituted to recover the indebtedness, or any part thereof, now remaining secured by said trust deed, or, if such action or proceeding has been instituted, such action or proceeding has been dismissed.

Notice is further given that the grantor, her successors in interest, any beneficiary under a subordinate trust deed, and any holder of a subordinate lien or encumbrance of record on said real property, have the right to require that this foreclosure proceeding be dismissed and the trust deed reinstated on the payment of the entire amount due under the terms of said trust deed and the obligation secured thereby (including costs and expenses incurred in enforcing the terms of the obligation and trustee's and

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attorneys' fees as provided by Section 86.760 of Oregon Revised Statutes) other than such portion of the principal as would not be due had no default occurred, at any time prior to five days before the date set for said sale.

DATED this 1st day of October, 1969.

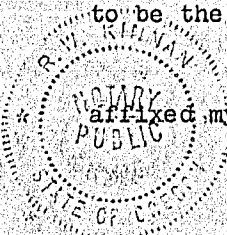
FIRST NATIONAL BANK OF OREGON

by J. T. McNaught  
Assistant Vice-President

STATE OF OREGON }  
COUNTY OF MULTNOMAH } SS

On this 1st day of October, 1969, before me, a notary public in and for said county and state, personally appeared the within-named J. T. McNAUGHT, to me known, who being first duly sworn did say that he, said J. T. McNaught, is the Assistant Vice-President of First National Bank of Oregon, the association hereinbefore named; that said instrument was signed in behalf of said association by authority of its board of directors; and said J. T. McNaught acknowledged the execution of said instrument to be the free act and deed of said association.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal, the date first hereinabove written.



R. W. Kelman  
Notary Public for Oregon  
My commission expires:

My Commission Expires Aug. 17, 1971

STATE OF OREGON,  
County of Klamath  
Filed for record at request of  
Transamerica Title Ins. Co.  
on this 5th day of October A.D. 1969  
at 11:08 o'clock A. M., and is  
recorded in Vol. 1769 of Mortgages  
Page 8477  
Wm D. MILNE, County Clerk  
By Charles K. Hartman Deputy  
Fees 6.00