

70-290

JUL 23 2 12 PM 1969

1 NOTICE OF DEFAULT AND ELECTION TO SELL
2 ROBERT C. YUEN and EMILY L. YUEN, as grantors, made,
3 executed and delivered to TRANSAMERICA TITLE INSURANCE COMPANY
4 as Trustee, to secure the performance of certain obligations in-
5 cluding the payment of the principal sum of Thirty-One Thousand
6 Seven Hundred Forty-Five and 20/100 Dollars (\$31,745.20) in favor
7 of THE BANK OF KLAMATH FALLS, now BANK OF KLAMATH COUNTRY, as
8 beneficiary, that certain trust deed dated May 27, 1969, recorded
9 May 28, 1969, in Book M-69 at page 3991 of the Mortgage Records
10 of Klamath County, Oregon, covering the following described real
11 property:

12 Lots 1, 2, 3 and 4 in Block 3 of the Terraces,
13 an addition to the City of Klamath Falls, according
14 to the official plat thereof on file in the office of
15 the County Clerk of Klamath County,
16 SAVING AND EXCEPTING THEREFROM that portion of
17 Lot 4 more particularly described as follows:
18 Beginning at the most Easterly corner of said Lot 4
19 and run-ing thence
20 Westerly along the South line of said lot 4 to
21 the Easterly line of Hillside Avenue; thence
22 Northwesterly along the Easterly line of Hillside
23 Avenue 25 feet; thence
24 Easterly parallel with the South line of Lot 4
25 to the Westerly line of Mesa Street, thence
26 Southeasterly along the Westerly line of Mesa
27 Street, 25 feet to the place of beginning
28 TOGETHER WITH the Westerly 1/2 of Mesa Street
29 vacated by City Ordinance #5525 and recorded in
30 Deed Volume M-66 at page 3641.

31 The undersigned hereby certifies that no assignments of the
32 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 and that the beneficiary is the
owner and holder of the obligations, the performance of which is
secured by said trust deed; further, that no action, suit or
procceding has been instituted to recover the debt, or any part

BOIVIN & BOIVIN
ATTORNEYS AT LAW
810 BOIVIN BLDG.
KLAMATH FALLS, ORE.

1 thereof, now remaining secured by the said trust deed, or, if such
2 action or proceeding has been instituted, such action or proceeding
3 has been dismissed.

4 There is a default by the grantors owing the obligations, the
5 performance of which is secured by said trust deed, with respect to
6 provisions therein which authorize sale in the event of default of
7 such provision, in that the grantors have failed to pay, when due,
8 the following sums thereon:

9 The sum of Two Hundred Seventy-Five and 52/100
10 Dollars (\$275.00) due on December 27, 1969; the
11 sum of Two Hundred Seventy-Five and 52/100 Dollars
12 (\$275.52) due on January 27, 1970; the sum of Two
13 Hundred Seventy-Five and 52/100 Dollars (\$275.52)
14 due on February 27, 1970; the sum of Two Hundred
15 Seventy-Five and 52/100 Dollars (\$275.52) due on
16 March 27, 1970; the sum of Two Hundred Seventy-Five
17 and 52/100 Dollars (\$275.52) due on April 27, 1970;
18 the sum of Two Hundred Seventy-Five and 52/100
19 Dollars (\$275.52) due on May 27, 1970; and the sum
20 of Two Hundred Seventy-Five and 52/100 Dollars
21 (\$275.52) due on June 27, 1970; which said delinquencies
22 amount to the total sum of One Thousand Nine Hundred
23 Twenty-Eight and 64/100 Dollars (\$1,928.64)

24 which are now past due, owing and delinquent. Grantors' failure
25 just described is the default for which the foreclosure mentioned
26 below is made.

27 By reason of said default, the beneficiary has declared all
28 obligations secured by said trust deed immediately due, owing and
29 payable, said sums being the following sums, to-wit:

30 Thirty One Thousand Four Hundred Thirty-Six and 29/100 Dollars
31 (\$31,426.29) together with interest thereon at the rate of
32 8 1/2 percent per annum from January 21, 1970, until paid.

Notice is hereby given that the undersigned, by reason of said
default, has elected and he hereby does 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 and
to the said described property which the grantors had, or had the
power to convey, at the time of the execution by them of the
trust deed, to satisfy the obligations secured by said trust deed
and the expenses of the sale, including a reasonable charge by the

BOIVIN & BOIVIN
ATTORNEYS AT LAW
210 BOIVIN BLDG.
KLAMATH FALLS, ORE.

6120

1 trustee as provided by law, and the reasonable fees of the trustee's
2 attorneys.

3 Said sale will be held at the hour of 10:00 a.m., Standard
4 Time, as established by Section 187.110 of Oregon Revised Statutes
5 on the 28th day of December, 1970, at the following place: 210
6 Boivin Building, 110 South Sixth Street, Klamath Falls, Oregon,
7 which is the hour, date and place fixed by the trustee for said
8 sale.

9 Other than as shown of record, neither the said beneficiary
10 nor the said trustee has any actual notice of any person having
11 or claiming to have any lien upon or interest in the real property
12 hereinabove described subsequent to the interest of the trustee in
13 the trust deed, or of any successor in interest to the grantors
14 or of any lessee or other person in possession of or occupying
15 the property, except:

16 ROBERT C. YUEN	415 South 9th Street Klamath Falls, Oregon	Owner of Record
17 EMILY L. YUEN	415 South 9th Street Klamath Falls, Oregon	Owner of Record
18 RANDALL E. BAUMAN	455 Hillside Klamath Falls, Oregon	Party in Possession
19 RITA BAUMAN	455 Hillside Klamath Falls, Oregon	Party in Possession
20 KLAMATH COUNTY	Klamath County Courthouse Klamath Falls, Oregon	Judgment Creditor of said Yuen
21 UNITED STATES OF AMERICA c/o 22 DISTRICT DIRECTOR OF INTERNAL REVENUE	P.O. Box 2751 Portland, Oregon 97208	By reason of that certain tax lien

23 Notice is further given that any person named in Section
24 86.760 of Oregon revised Statutes has the right to have the
25 foreclosure proceeding dismissed and the trust deed reinstated by
26 payment of the entire amount due (other than such portion of said
27 principal as would not then be due and had no default occurred),
28 together with costs, trustee's fees and attorney's fees, at any
29 time prior to five days before the date set for said sale.

30 In construing this notice and whenever the context hereof so
31 requires, the masculine gender includes the feminine and the neuter,
32 the singular includes the plural, the word "grantors" includes any

BOIVIN, BOIVIN
& KOSTA
ATTORNEYS AT LAW
210 BOIVIN BUILDING
KLAMATH FALLS,
OREGON 97601
TELEPHONE 884-8101

16
Notice of Default and Election to Sell - Page 3

FORM No.

1967

for

18
19
20
21
22
23
24
25
26
27
28

6121

1 successor in interest to the grnators as well as each and all other
2 persons owing an obligation, the performance of which is secured
3 by said trust deed, the word "trustee" includes any successor
4 trustee, and the word "beneficiary" includes any successor in
5 interest of the beneficiary first named above.

6 DATED this 23 day of July, 1970.

7
8 Robert D. Boivin
9 Successor Trustee

10 STATE OF OREGON)
11) ss.
12 County of Klamath)

13 On this 23 day of July, 1970, personally appeared
14 before me, a Notary Public in and for said County and State, the
15 within named ROBERT D. BOIVIN, and acknowledged the foregoing
16 instrument to be his voluntary act and deed.

17 Thomas
18 Notary Public for Oregon
19 My Commission Expires: 5/3/74
20 12-15-72

21 STATE OF OREGON)
22 County of Klamath) ss.

23 Filed for record at request of:
24 Transamerica Title Ins. Co.
25 on this 23rd day of July, A.D. 19 70
26 at 2:52 o'clock P. M. and duly
27 recorded in Vol. M-70 of mtg.
28 Page 6118

29 WM. D. MILNE, County Clerk
30 By Walter L. Houston
31 Fee 6.00 Deputy,
32

Return to
BOIVIN & BOIVIN
ATTORNEYS AT LAW
210 BOIVIN BLDG.
KLAMATH FALLS, ORE.

17
Notice of Default and Election to Sell - Page 4

FORM No.
1967

JUL 23 2 12 PM 1970