

35841

## NOTICE OF DEFAULT AND ELECTION TO SELL

Robert W. Nidever and Arlene E. Nidever, husband and wife, as grantor,  
made, executed and delivered to William Ganong, Jr., as trustee,  
to secure the performance of certain obligations including the payment of the principal sum of \$ 24,200.00 to-  
gether with interest, Federal Savings and Loan Assn. of Klamath Falls, now Klamath, as beneficiary,  
in favor of said Federal Savings and Loan Assn.,  
that certain trust deed dated November 13, 1972, and recorded November 14, 1972,  
in book M-72 at page 13156, of the mortgage records of Klamath County, Oregon, or  
as file number (indicate which), covering the following described real  
property situated in said county:

Lot 3, Block 12 of Second Addition to Cypress Villa, Klamath  
County, Oregon,  
which said property was sold by Grantors to Brad S. Donahue who  
assumed and agreed to pay said obligation.

An additional loan in the amount of \$1,400.00 was made to Grantors  
on July 31, 1973.

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 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 proceeding  
has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such  
action or proceeding has been instituted, such action or proceeding has been dismissed.

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

Loan No. 1-4011		Loan No. 9-14011	
March 20, 1977	\$222.00	July 20, 1976	\$ 10.35
April 20, 1977	222.00	August 20, 1976	10.35
May 20, 1977	222.00	September 20, 1976	10.35
June 20, 1977	222.00	October 20, 1976	10.35
July 20, 1977	222.00	November 20, 1976	10.35
August 20, 1977	222.00	December 20, 1976	10.35
		January 20, 1977	10.35
		February 20, 1977	10.35
		March 20, 1977	10.35
		April 20, 1977	10.35
		May 20, 1977	10.35
Life Insurance Premiums	22.59		

which are now past due, owing and delinquent. Grantor's failure just described is the default for which the fore-  
closure mentioned below is made.

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

Loan No. 1-4011		Loan No. 91-4011	
Principal	\$ 23,951.46	Principal	\$ 1,368.17
Interest to		Interest	126.98
Sept. 1, 1977	444.60		
	24,396.06		\$ 1,495.15
Less Reserves	370.85		
	24,025.21		
Life Insurance	22.59		
	\$ 24,047.80		

TOTAL \$25,542.95

Notice hereby is 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 the said described property  
which the grantor had, or had the power to convey, at the time of the execution by him of the trust deed, together  
with any interest the grantor or his successors in interest acquired after the execution 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 trustee as  
provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:00 o'clock, A.M., Standard Time, as established by Section  
187.110 of Oregon Revised Statutes on Jan. 25, 1978 at the following place: Room 204, 540 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.

WLC



Other than as shown of record, neither the said beneficiary nor the 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:

## NAME AND LAST KNOWN ADDRESS

## NATURE OF RIGHT, LIEN OR INTEREST

Brad S. Donahue  
5431 Sylvia  
Klamath Falls, Oregon 97601

Current owner and occupant

Carter Jones Collection Service  
533 So. 8th Street  
Klamath Falls, Oregon 97601

Judgment lien creditor

Klamath County Credit Service  
131 So. 6th Street  
Klamath Falls, Oregon 97601

Judgment lien creditor

Jean Donahue  
885 - 5th Street  
Arcata, California 95521

Judgment lien creditor

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

In construing this notice and whenever the context hereof so requires, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as each and all other persons owing an obligation, the performance of which is secured by said trust deed, the word "trustee" includes any successor-trustee, and the word "beneficiary" includes any successor in interest of the beneficiary first named above.

DATED: September 16, 1977.

Successor Trustee

Beneficiary

(State which)

(If executed by a corporation,  
affix corporate seal)

NOTICE OF DEFAULT AND  
ELECTION TO SELL

(FORM No. 884)

RE TRUST DEED

Grantor

TO

Trustee

STATE OF OREGON

County of Klamath

I certify that the within instrument

was received for record on the

16th day of SEPTEMBER 1977

at 1:45 o'clock P. M., and recorded

in book M77 on page 17373

or as file number 35844

Record of Mortgages of said County.

Witness my hand and seal of

County affixed.

WM. D. MILNE

COUNTY CLERK

By Hazel Drago Deputy

Title

FEE \$ 6.00

AFTER RECORDING RETURN TO

William L. Sisemore

540 Main St

Klamath Falls

Oregon

(If the signer of the above is a corporation,  
use the form of acknowledgment opposite.)

(ORS 93.490)

STATE OF OREGON,

County of Klamath

September 16, 1977

Personally appeared the above named

William L. Sisemore

and acknowledged the foregoing instrument to be

his voluntary act and deed.

Before me:

(OFFICIAL  
SEAL)

Steven M. Talacy

Notary Public for Oregon

My commission expires: 2-5-81

STATE OF OREGON, County of Klamath ) ss.

Personally appeared

who, being duly sworn,

each for himself and not one for the other, did say that the former is the

president and that the latter is the

secretary of

a corporation, and that the seal affixed to the

foregoing instrument is the corporate seal of said corporation and that said

instrument was signed and sealed in behalf of said corporation by author-

ity of its board of directors; and each of them acknowledged said instrument

to be its voluntary act and deed.

Before me:

Notary Public for Oregon

My commission expires:

(OFFICIAL  
SEAL)