

44974

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## NOTICE OF DEFAULT AND ELECTION TO SELL

Thom J. Laba and Bryan F. Boyle, as grantor,  
made, executed and delivered to Klamath County Title Co., as trustee,  
to secure the performance of certain obligations including the payment of the principal sum of \$1,690.00  
in favor of Charles F. Breslin, as beneficiary,  
that certain trust deed dated October 22, 1976, and recorded December 2, 1976,  
in book M76 at page 19362, of the mortgage records of Klamath County, Oregon, or  
as file number 22408, real-number- (indicate which), covering the following described real  
property situated in said county:

Lot 33 in Block 49 of Fourth Addition to Nimrod River Park and  
Lot 8 in Block 75 of Seventh Addition to Nimrod River Park  
according to the official plat thereof on file in the office  
of the County Clerk of Klamath County, Oregon.

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:

Payment due August 25, 1977	\$77.67
Payment due September 25, 1977	\$77.67
Payment due October 25, 1977	\$77.67
Payment due December 25, 1977	\$77.67
Payment due January 25, 1978	\$77.67
Payment due February 25, 1978	\$77.67

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:

\$1,087.19 together with interest at 9% per annum from from  
July 25, 1977, in the amount of \$58.37 for a total of \$1145.56.

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 July 28, 1978, at the following place: Klamath County  
Title Company, 422 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.

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

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: February 25, 1978

*Charles F. Breslin*  
 Trustee Beneficiary (State which)

(If executed by a corporation,  
 affix corporate seal)

# NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

STEVENESS LAW PUB CO PORTLAND ORE

## RE TRUST DEED

Grantor

TO

Trustee

STATE OF OREGON

County of Klamath

I certify that the within instrument was received for record on the 21st day of March, 1978, at 12:47 o'clock P.M., and recorded in book N78 on page 5367 or as file number 44974. Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Wm. D. Milne

County Clerk

Title Deputy  
 By *Shirley S. Smith*

Fee \$6.00

AFTER RECORDING RETURN TO

*Klamath County Title  
 920 Market  
 Klamath Falls, OR 97601*

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

STATE OF OREGON, CALIFORNIA)

County of Ventura

February 25, 1978

Personally appeared the above named

Charles F. Breslin

and acknowledged the foregoing instrument to be his voluntary act and deed.

(OFFICIAL SEAL)



OFFICIAL SEAL  
 KATHLEEN JO MAUPIN  
 NOTARY PUBLIC - CALIFORNIA  
 PRINCIPAL OFFICE IN  
 VENTURA COUNTY

My Commission Expires October 2, 1981

(ORS 93.490)

STATE OF OREGON, County of ) ss.

Personally appeared

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 authority 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)