

K-32774

198 01/00

SK

79019

Vol. 80 Page 225

NOTICE OF DEFAULT AND ELECTION TO SELL

WILLIAM H. KENDALL, as grantor,
made, executed and delivered to Transamerica Title Company, as trustee,
to secure the performance of certain obligations including the payment of the principal sum of \$ 2,750.00
in favor of Betty Ahern, as beneficiary,
that certain trust deed dated October 4, 1976, and recorded October 8, 1976,
in book M-76 at page 17113, of the mortgage records of Klamath County, Oregon, or
as file number ~~RECORDED~~ (indicate which), covering the following described real
property situated in said county:

Lot 7, Block 22, THIRD ADDITION RIVER PINE ESTATES, according
to the official plat thereof on file in the office of the
County Clerk, Klamath County, Oregon.
NOTICE OF DEFAULT AND ELECTION TO SELL

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:

Month	Amount	Month	Amount
October 1978	\$40.00	June 1979	\$40.00
November 1978	\$40.00	July 1979	\$40.00
December 1978	\$40.00	August 1979	\$40.00
January 1979	\$40.00	September 1979	\$40.00
February 1979	\$40.00	October 1979	\$40.00
March 1979	\$40.00	November 1979	\$40.00
April 1979	\$40.00	December 1979	\$40.00
May 1979	\$40.00	January 1980	\$40.00

which are now past due, owing and delinquent. Grantor's failure just described is the default for which the foreclosure 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:

\$2,264.91 plus interest thereon at the rate of 8½% from September 1, 1978 until paid.

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 May 14, 1980, at the following place: Deschutes County Courthouse Steps in the City of Bend, County of Deschutes, 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

CARL D. GIVSON

NATURE OF RIGHT, LIEN OR INTEREST

Judgment against William Kendall in the amount of \$3,962.70.

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: January 3, 1980

(If executed by a corporation, affix corporate seal)

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

STATE OF OREGON,

County of Deschutes

January 3, 1980

Personally appeared the above named

BETTY ALERN

and acknowledged the foregoing instrument to be

her voluntary act and deed.

Before me:

(OFFICIAL SEAL)

Laure L. Triplett

Notary Public for Oregon

My commission expires: 2/15/83

(ORS 93.490)

STATE OF OREGON, County of Deschutes) ss.

Personally appeared _____, 19____, and

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)

NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

RE TRUST DEED

Grantor

TO

Trustee

AFTER RECORDING RETURN TO

K.C.T.C.

STATE OF OREGON

County of Klamath

I certify that the within instrument was received for record on the 7th day of January, 1980, at 11:00 o'clock A.M., and recorded in book NSO on page 225 or as file/reel number 79019.

Record of Mortgages of said County. Witness my hand and seal of County affixed.

By _____ Recording Officer.
By _____ Deputy.

Fee \$7.00