

38-21051

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82965

## NOTICE OF DEFAULT AND ELECTION TO SELL

GERALD D. LILLY and BARBARA A. LILLY, husband and wife, as grantor,  
made, executed and delivered to TRANSAMERICA TITLE INSURANCE CO. as trustee,  
to secure the performance of certain obligations including the payment of the principal sum of \$ 7,010.00  
in favor of WELLS FARGO REALTY SERVICES, INC., Trustee, as beneficiary,  
that certain trust deed dated May 21, 1978, and recorded August 16, 1978,  
in book M78 at page 17985, of the mortgage records of Klamath County, Oregon, or  
as the number of the mortgage records of Klamath County, Oregon, covering the following described real  
property situated in said county:

Lot 16, Block 19, Tract No. 1113, OREGON SHORES UNIT 2,  
in the County of Klamath, State of 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:

Monthly installments heretofore becoming due and payable under the terms of said trust deed and the obligation secured thereby for the payment of principal, interest, and monthly requirements for the assessments, insurance premiums and other charges due and payable with respect to said property in the total sum of \$522.40 (including \$31.00 for assessments), and including the last such monthly payment of \$54.60 due on March 20, 1980

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:

\$4,153.64, plus interest thereon at the rate of 8% per annum from June 20, 1979 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., on September 2, 1980, at the following place: front door of the County Courthouse, 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: APRIL 4, 19 80.

(If executed by a corporation, affix corporate seal)

*Bertrand J. Close*  
 Trustee XXXXXXXX Deed XXXXXXXX (State which)  
 SUCCESSOR TRUSTEE

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

[ORS 93.490]

STATE OF OREGON,

County of Multnomah } ss.  
 April 4, 19 80.

Personally appeared the above named

BERTRAND J. CLOSE

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

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: 3/2/81

STATE OF OREGON, County of

) ss.

Personally appeared

and

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)

# NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

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

## RE TRUST DEED

GERALD D. LILLY and  
 BARBARA A. LILLY Grantor

TO

TRANSAMERICA TITLE Trustee  
 INSURANCE COMPANY

AFTER RECORDING RETURN TO

Stoel, Rives, Boley, Fraser And Wyse  
 900 S. W. Fifth Avenue  
 Portland, Oregon 97204  
 Attention: Mr. Close

SPACE RESERVED  
 FOR  
 RECORDER'S USE

STATE OF OREGON

County of Klamath

} ss.

I certify that the within instru-  
 ment was received for record on the  
 8th day of April, 1980,  
 at 4:06 o'clock P.M., and recorded  
 in book M80 on page 6625 or as  
 file/reel number 82965

Record of Mortgages of said County.

Witness my hand and seal of  
 County affixed.

Wm. D. Milne

Recording Officer.

By *Penelope Shelsch* Deputy.

Fee \$7.00