

87031

Vol. 780 Page 13310

NOTICE OF DEFAULT AND ELECTION TO SELL

Ronald C. Rogers and Dianne R. Rogers, husband and wife

made, executed and delivered to Klamath County Title Company, an Oregon Corporation, as trustee, to secure the performance of certain obligations including the payment of the principal sum of \$ 33,622.75 in favor of Martin Development Corporation, a California Corporation, as beneficiary, that certain trust deed dated June 11, 1977, and recorded August 8, 1977, in book M77 at page 14295, of the mortgage records of Klamath County, Oregon, or as file number, reel number (indicate which), covering the following described real property situated in said county:

Lot 2 in Block 5 of PINECREST Tract 1093, 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 8, 1977, in the amount of \$318.91 plus monthly payments thereafter, plus all expenses incurred due to Trustee Sale.

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:

Payment due August 8, 1977, in the amount of \$318.91 plus monthly payments thereafter, plus all expenses incurred due to Trustee Sale.

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 2 o'clock, P.M., Standard Time, as established by Section 187.110 of Oregon Revised Statutes on December 19, 1980, at the following place: Klamath County Title Company 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.

NATURE OF RIGHT, LIEN OR INTEREST

Mrs. Dianne (Rogers) Curtis
209 Church Ave.
Mena, Arkansas 71953

Recorded Owner

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.

KLAMATH COUNTY TITLE COMPANY

[Signature] Secretary

KLAMATH COUNTY TITLE COMPANY

DATED: July 14, 1980.

By: Patricia Himmels Secretary
Trustee Robert J. Himmels (State which)

(If executed by a corporation,
affix corporate seal)

**NOTICE OF DEFAULT AND
ELECTION TO SELL**

(FORM No. 884)
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.
RE TRUST DEED

Grantor

TO

Trustee

STATE OF OREGON

Klamath

I certify that the within instrument was received for record on the 17th day of July, 1980 at 2:11 o'clock P. M., and recorded in book M80 on page 13310 as file number 87031.

Witness my hand and seal of
County affixed.

| Name | Title |
|--------------|--------------|
| Wm. D. Milne | County Clerk |

County Clerk Title
 P. Lovitt Deputy

Fee \$7.00

LETTER RECORDING RETURN TO

Klamath County Title

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

(ORS 93.490)

STATE OF OREGON,

STATE OF OREGON, County of Klamath
July 14, 1980

County of _____

19. 14 Darle Runnels
Personally appeared.....

Personally appeared the above named _____
and acknowledged the foregoing instrument to be _____
voluntary act and deed.

Personally appeared _____ who, being duly sworn,
 _____ that the latter is the
 secretary of Klamath

Before me:

County Title Co., 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.

(OFFICIAL
SEAL)

Before me: *[Signature]*

(OFFICIAL
SEAL)

Notary Public for Oregon

Notary Public for Oregon

My commission expires

My commission expires: 3-28-18