

87032

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## NOTICE OF DEFAULT AND ELECTION TO SELL

Ronald C. Rogers and Dianne R. Rogers, husband and wife, as grantor, 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 \$ 7,500.00 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 14297, 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 3 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 \$91.00 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 \$91.00 plus monthly payments thereafter, plus all expenses incurred due to Trustee Sale.

Notice heroby 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 2:00 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.

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
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

DATED: July 14, 19 80

By: Darle Runnels  
Trustee ~~XXXXXXXX~~ (State which)

(If executed by a corporation,  
affix corporate seal)

**NOTICE OF DEFAULT AND  
ELECTION TO SELL**

(FORM No. 884)

STEVENS-NESELAW PUBL. CO. PORTLAND, ORE.

**RE TRUST DEED**

Grantor

TO

Trustee

STATE OF OREGON

County of Klamath ss.  
I certify that the within instrument was received for record on the 17th day of July, 19 80, at 2:11 o'clock P.M., and recorded in book M80 on page 13312 or as file number 87032. Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Wm. D. Milne

County Clerk

Title Deputy  
By: Bernard H. Bloch

Fee \$7.00

AFTER 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, )  
County of ) ss.  
Personally appeared the above named )  
and acknowledged the foregoing instrument to be )  
voluntary act and deed. )

Before me:

(OFFICIAL  
SEAL)

Notary Public for Oregon

My commission expires:

STATE OF OREGON, County of Klamath ) ss.  
June 14, 19 80

Personally appeared Darle Runnels and

who, being duly sworn,

declared that the latter is the secretary of Klamath

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.

Before me:

Notary Public for Oregon

My commission expires: 3-20-81

(OFFICIAL  
SEAL)