

SK

89973

Vol. <sup>m</sup> 80 Page 17351

## NOTICE OF DEFAULT AND ELECTION TO SELL

GEORGE A. PONDELLA, JR., as grantor,  
 made, executed and delivered to MOUNTAIN TITLE COMPANY, as trustee,  
 to secure the performance of certain obligations including the payment of the principal sum of \$ 1,500.00  
 in favor of JOAN N. HAYES, as beneficiary,  
 that certain trust deed dated October 26, 1978, and recorded October 27, 1978,  
 in book M78 at page 24264, of the mortgage records of Klamath County, Oregon, ~~xx~~  
~~as the number xxxxxxxxxx of the mortgage records of Klamath County, Oregon, covering the following described real~~  
~~property situated in said county~~ re-recorded Nov. 3, 1978, in Vol. M78, page 24940, covering  
 real property in Klamath County, Oregon, being more particularly described on Exhibit A  
 attached hereto and made a part hereof.

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:

March 20, 1980 in amount of \$47.36  
 April 20, 1980 in amount of \$47.36  
 May 20, 1980 in amount of \$47.36  
 June 20, 1980 in amount of \$47.36  
 July 20, 1980 in amount of \$47.36  
 August 20, 1980 in amount of \$47.36  
 September 20, 1980 in amount of \$47.36

together with 1978-79 and 1979-80 real property taxes,

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:

\$999.21, plus interest from February 25, 1980

together with 1978-79 and 1979-80 real property taxes.

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 January 29, 1981, at the following place: Room 204, 540 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.

'80 SEP 22 AM 11 04

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: September 22, 1980

(If executed by a corporation,  
affix corporate seal)

Successor Trustee William L. Sisemore Beneficiary (State of Oregon)

# 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

County of Clatsop ss.  
I certify that the within instrument was received for record on the day of September, 1980, at 10 o'clock A.M., and recorded in book 100 on page 100 or as file number 100.  
Record of Mortgages of said County.  
Witness my hand and seal of County affixed.

Title Deputy  
By William L. Sisemore

AFTER RECORDING RETURN TO

William L. Sisemore  
540 Main  
11 Falls, Ore.

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

(ORS 93.490)

STATE OF OREGON,

County of Klamath } ss.September 22, 1980

Personally appeared the above named

William L. Sisemore

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

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: 2-5-81STATE OF OREGON, County of Clatsop ) ss.Personally appeared William L. Sisemore 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

William L. Sisemore, 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)

17953

Lot 7, Block 3, LONE PINE ON THE SPRAGUE, according to the official plat thereof, on file in the office of the County Clerk of Klamath County, Oregon, TOGETHER WITH an undivided 1/80 interest in and to the following:

A tract of land situated in the SW $\frac{1}{4}$  of Section 11 and the NE $\frac{1}{4}$  of Section 14, all in Township 35 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin on the West line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 11, said point being North 0° 07' 13" West a distance of 71.79 feet from the South  $\frac{1}{4}$  corner of said Section 11; thence South 62° 56' 13" East 572.55 feet; thence on the arc of a 130 foot radius curve to the right 24.17 feet; thence South 52° 17' 05" East 440.74 feet; thence on the arc of a 130 foot radius curve to the right 33.42 feet thence South 37° 33' 14" East 141.09 feet; thence on the arc of a 130 foot radius curve to the right 71.41 feet; thence South 06° 04' 53" East 158.13 feet; thence on the arc of a 70 foot radius curve to the left 78.84 feet; thence South 71° 26' 17" East 279.26 feet; thence South 72° 03' 37" East 210.79 feet; thence on the arc of a 130 foot radius curve to the right 129.94 feet; thence South 14° 47' 22" East 269.56 feet; thence South 30° East to the intersection with the thread or centerline of Sprague River; thence Northwesterly along the thread of the Sprague River to its intersection with the West line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 11; thence South 0° 07' 13" East along said West line of the point of beginning.

Exhibit A

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of William L. Sisemore  
 this 22nd day of September A. D. 1980 at 11:04 o'clock AM., or  
 duly recorded in Vol. M80, of Mortgages on Page 17951

Wm D. MILNE, County Clerk.

By Bernarda H. Helwich

Fee \$10.50