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M-8/ Page 17479

## NOTICE OF DEFAULT AND ELECTION TO SELL

Jack Wesley Le Roy and Debra Diane Le Roy, 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 \$ 29,250.00  
in favor of United States National Bank of Oregon, as beneficiary,  
that certain trust deed dated July 29, 1976, and recorded July 29, 1976,  
in book Vol.M76 at page 11610, 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: Deed was rerecorded Nov. 4, 1976, Vol.M76 Page 17594  
to correct signatures

A tract of land situate in the SE 1/4 of Section 19,  
Township 39 South, Range 10 East of the Willamette  
Meridian, Klamath County, Oregon and being more par-  
ticularly described as follows:

Beginning at an iron pipe which is 1396.34 feet North  
and 30.00 feet West of the Southeast corner of Section  
19, Township 39 South, Range 10 E.W.M., and running  
thence West 208.71 feet; thence South 208.71 feet;  
thence East 208.71 feet; thence North 208.71 feet to  
the point of beginning.

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:

November 1, 1980	- \$316.00	May 1, 1981	- \$316.00
December 1, 1980	- \$316.00	June 1, 1981	- \$316.00
January 1, 1981	- \$316.00	July 1, 1981	- \$316.00
February 1, 1981	- \$316.00	August 1, 1981	- \$316.00
March 1, 1981	- \$316.00	September 1, 1981	- \$316.00
April 1, 1981	- \$316.00		

Late charges in the amount of \$55.00 (\$5.00 per month)  
Mortgage Insurance in the amount of \$70.17

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:

Unpaid principal balance of \$28,283.96 plus interest thereon  
at the rate of 9.0% per annum from October 1, 1980 until paid  
plus late charges in the amount of \$55.00, plus all expenses  
advanced by the beneficiary pursuant to the terms of the Trust  
Deed.

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 9:30 o'clock, A.M., Standard Time, as established by Section  
187.110 of Oregon Revised Statutes on February 26, 1982, at the following place:  
705 W. 10th Street in the City of Medford, County of  
Jackson, State of Oregon, which is the hour, date and place fixed by the trustee for said sale.

ok  
5/20

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

Jack Wesley Le Roy  
7406 Reeder Road  
Klamath Falls, OR 97601

Grantor

Debra Diane Le Roy  
7406 Reeder Road  
Klamath Falls, OR 97601

Grantor

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 30, 19 81.

(If executed by a corporation,  
affix corporate seal)

*Robert D. Heffernan, Jr.*  
Trustee Beneficiary (State which)  
(successor)

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

(ORS 93.490)

STATE OF OREGON, )  
County of Jackson ) ss.  
September 30, 19 81  
Personally appeared the above named  
Robert D. Heffernan, Jr.,  
and acknowledged the foregoing instrument to be  
his voluntary act and deed.

Before me  
(OFFICIAL SEAL) *Carol Claus*  
Notary Public for Oregon  
My commission expires: 4-21-85

STATE OF OREGON, County of ) ss.  
19  
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

Jack Wesley Le Roy  
Debra Diane Le Roy Grantor  
TO  
Transamerica Title Trustee

AFTER RECORDING RETURN TO

Robert D. Heffernan, Jr.  
P.O. Box 1746  
Medford, OR 97501

SPACE RESERVED  
FOR  
RECORDER'S USE

Fee \$8.00

STATE OF OREGON

County of Klamath } ss.

I certify that the within instru-  
ment was received for record on the  
2nd day of October, 19 81,  
at 11:11 o'clock A.M., and recorded  
in book M-81 on page 17479 or as  
file/rec'd number 5038  
Record of Mortgages of said County.  
Witness my hand and seal of  
County affixed.

Evelyn Biehn

Recording Officer.

By *Carol Claus* Deputy.