

5385

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NOTICE OF DEFAULT AND ELECTION TO SELL

BRIAN O'MAICIN, 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 \$ 12,000.00
 in favor of George C. Chandler and Lucille L. Chandler, as beneficiary,
 that certain trust deed dated July 25, 19 80, and recorded July 28, 19 80
 in Book/Part/Volume No. 87452 at page of as Document/Fee/File/Instrument/Microfilm
 No. 87452 (Indicate which) of the mortgage records of Klamath County, Oregon,
 covering the following described real property situated in said county:

SEE ATTACHED EXHIBIT "A"

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:

The principal balance and accrued interest owing on July 18, 1981 pursuant to the terms of the promissory note executed by Grantor. Failure to pay late charges owing in the amount of \$606.00, late charge being due August 2, 1981.

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:

The sum of Twelve Thousand and No/100 (\$12,000.00) Dollars, plus interest thereon at the rate of twelve (12%) percent per annum from June 18, 1981 until paid, plus the further sum of \$606.00 as late charges.

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 11:00 o'clock, A.M., Standard Time, as established by Section 187.110 of Oregon Revised Statutes on March 16, 19 81, at the following place: 407 Main Street, Klamath, 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.

OCT 13 1981

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

Robert Whisler
220 Pacific Terrace
Klamath Falls, Oregon 97601

tenant

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: October 8, 19 81.

(If executed by a corporation,
affix corporate seal)

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 Jackson

October 8, 19 81.

Personally appeared the above named

PATRICK G. HUYCKE

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

(OFFICIAL
SEAL)

Before me:

Notary Public for Oregon

My commission expires: 4/18/85

STATE OF OREGON, County of

) ss.

Personally appeared

and

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

BRIAN O'MAICIN

Grantor

TO

Mountain Title
Company

Trustee

AFTER RECORDING RETURN TO

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON

County of

) ss.

I certify that the within instru-
ment was received for record on the
day of

at o'clock M., and recorded
in book/reel/volume No. on
page or as document/fee 'file'
instrument/microfilm No.

Record of Mortgages of said County.

Witness my hand and seal of
County affixed.

NAME

TITLE

By Deputy

EXHIBIT "A"

That portion of Lot 15 in Block 42 of HOT SPRINGS ADDITION to the City of Klamath Falls, Oregon, and that portion of Block 1A of WILLIAMS ADDITION to the City of Klamath Falls, Oregon, according to the duly recorded plat thereof on file in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows:

Beginning at a point which is the Southeasterly corner of said Lot 15 in Block 42, HOT SPRINGS ADDITION to the City of Klamath Falls, Oregon, and also the Northeasterly corner of Block 1A of WILLIAMS ADDITION to said City and running thence South 20° 55' East along the Southwesterly line of Pacific Terrace, a distance of 66.7 feet to a point which is the Southeasterly corner of said Block 1A; thence North 66° 05' West along the Southwesterly boundary of said Block 1A a distance of 117.0 feet to a point; thence North 41° 20' East a distance of 20.9 feet to a point that is on the boundary line between said Lot 15 and Block 1A mentioned above; thence continuing on the same bearing a distance of 73 feet to a point on the Easterly line of said Lot 15; thence South 20° 55' East along the Southwesterly line of Pacific Terrace, a distance of 59.5 feet to the point of beginning.

SUBJECT TO:

1. Taxes for the fiscal year 1980-81, due and payable.
Amount: \$756.06, plus interest. Account No. 1-3621
Tax Lot 71.
2. Trust deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein.
Dated: October 21, 1977
Recorded: October 21, 1977
Volume: M77, page 20255, Microfilm Records of Klamath County, Oregon
Amount: \$24,480.00
Grantor: Brian O'Maicin
Trustee: D. L. Hoots
Beneficiary: Security Savings and Loan Association

Request for Copy of Notices of Default and Sale, recorded July 29, 1980 in Volume M80, page 13972, Microfilm Records of Klamath County, Oregon.

3. Trust deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein.
Dated: July 14, 1980
Recorded: July 11, 1980
Volume: M80, page 12989, Microfilm Records of Klamath County, Oregon
Amount: \$10,000.00
Grantor: Brian O'Maicin
Trustee: William L. Sisemore
Beneficiary: Town & Country Mortgage & Investment Co.

The beneficial interest under said Trust Deed was assigned by instrument,

Dated: July 11, 1980
Recorded: July 14, 1980
Volume: M80, page 12992, Microfilm Records of Klamath County, Oregon

To: Robert B. Kennedy

after recording return to: Pat Hynke
132 West Main Street Suite 204
Medford, Oregon 97501

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the

13th day of October A.D., 19 81 at 2:13 o'clock P M., and duly recorded in

Vol M81, of Mortgages on page 18002.

Fee \$ 12.00

EVELYN DIEHN

COUNTY CLERK

By Bernice Thax Deputy