

14621

Vol. M-80 Page 10616

NOTICE OF DEFAULT AND ELECTION TO SELL

K-35410
 Reference is made to that certain trust deed made by John E. Johnson and Deborah A. Johnson, husband and wife, as grantor, to Mountain Title Company, as trustee, in favor of SIMLOG LEASING COMPANY, as beneficiary, dated August 13, 1980 recorded August 13, 1980, in the mortgage records of Klamath County, Oregon, in book feet volume No. M-80 at page 15321 and or as fee title instrument/microfilm/reception No. (indicate which), covering the following described real property situated in said county and state, to-wit:

FOR DESCRIPTION OF SUBJECT REAL PROPERTY SEE EXHIBIT A ATTACHED
 HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

*re-recorded October 16, 1980 in M-80 on page 20173, Records 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; 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 or other person owing an obligation, the performance of which is secured by said trust deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision; the default for which foreclosure is made is grantor's failure to pay when due the following sums:

Failure to pay the required payments and late charges under the
 leases secured by the within described trust deed.

By reason of said default, the beneficiary has declared all obligations secured by said trust deed immediately due and payable, said sums being the following, to-wit:

\$85,000.00, together with interest thereon according to the terms of a lease dated August 11, 1980 and a lease dated July 31, 1980, until paid, plus trustee's fees, attorneys' fees, foreclosure costs and any sums advanced by the beneficiary under the terms of said trust deed, including an advance in the amount of \$270.00 for a foreclosure title report and an advance of \$200.00 for attorneys' fees.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby 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 the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:30 o'clock, A.M., Standard Time as established by Section 187.110 of Oregon Revised Statutes on January 5, 1983, at the following place: 422 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.

FOOTIA

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

John E. Johnson and Deborah A.
Johnson, 2633 Midland Road
Klamath Falls, OR 97601

Don E. Johnson
2633 Midland Road
Klamath Falls, OR 97601

NATURE OF RIGHT, LIEN OR INTEREST

Grantors, record owners and
occupants of subject property

Possible interest in subject property

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 to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with costs and trustee's and attorney's fees as provided by law, at any time prior to five days before the date for said sale.

In construing this notice, 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 any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: August 12, 19 82

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

STATE OF OREGON,

County of Multnomah } ss.

August 12, 19 82

Personally appeared the above named

Neva T. Campbell

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

(OFFICIAL
SEAL)

Notary Public for Oregon

My commission expires: 3/11/85

(ORS 93.490)

STATE OF OREGON, County of _____ ss.

Personally appeared

who, being duly sworn, did say that he is the

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 authority of its board of directors;
and 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, OR.

Re: Trust Deed From
John E. Johnson and
Deborah A. Johnson

Grantor

Mountain Title Company

Trustee

AFTER RECORDING RETURN TO

Neva T. Campbell
1200 Standard Plaza
Portland, OR 97204

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 _____, 19____,
at _____ o'clock _____ M., and recorded
in book/reel/volume No. _____ on
page _____ or as fee/file/instrument/
microfilm/reception No. _____,
Record of Mortgages of said County.

Witness my hand and seal of
County affixed.

NAME

TITLE

By

Deputy

DESCRIPTION

20175 15323

EXHIBIT "A"

A parcel of land situated in the SW $\frac{1}{4}$ of Section 34 and the SE $\frac{1}{4}$ of Section 33, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the East line of said Section 33 and the Northerly right of way line of Midland Road, from which the Southeast corner of said Section 33 bears South 00° 10' 55" East 30.00 feet, thence from said point of beginning South 89° 57' 30" West along the Northerly right of way line of said Midland Road 260.80 feet to the Easterly right of way line of Washburn Way, thence Northerly along the Easterly right of way line of said Washburn Way the following five bearings and distances: North 00° 10' 55" West 409.74 feet; thence along the arc of a 542.96 feet radius curve to the right (Delta = 36° 38' 00", Chord = North 18° 08' 05" East 341.27 feet) 347.15 feet, thence North 36° 27' 05" East 108.01 feet to a 5/8" iron pin, thence along the arc of a 602.96 feet radius curve to the left (Delta = 36° 38' 00", Chord = North 18° 08' 05" East 378.98 feet) 385.52 feet to a 5/8" iron pin, thence North 00° 10' 55" West 119.51 feet to a 5/8" iron pin, thence leaving said Easterly right of way line of said Washburn Way North 89° 54' 58" East 290.00 feet to a 5/8" iron pin, thence South 00° 10' 55" East 871.21 feet to a 5/8" iron pin, thence South 89° 54' 58" West 203.00 feet to a 5/8" iron pin, thence South 00° 10' 55" East 429.16 feet to the Northerly right of way line of Midland Road, thence South 89° 54' 58" West along the Northerly right of way line of said Midland Road 117.00 feet to the point of beginning.

EXCEPTING THEREFROM THE FOLLOWING:

A parcel of land situated in the SW $\frac{1}{4}$ of Section 34, and the SE $\frac{1}{4}$ of Section 33, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

Beginning at a 5/8" iron pin on the Easterly right of way line of Washburn Way from which the SW corner of said Section 34 bears the following two bearings and distances: South 89° 54' 58" West 30.00 feet, South 00° 10' 55" East 1330.37 feet more or less, thence from said point of beginning North 89° 54' 48" East 290.00 feet to a 5/8" iron pin, thence South 00° 10' 55" East 422.40 feet, thence South 89° 54' 58" West 371.52 feet to a point on the Easterly right of way line of said Washburn Way, said point also being on a 602.96 feet radius curve, from which the radius point bears North 60° 02' 32" West 602.96 feet, thence along the Easterly right of way line of said Washburn Way and along the arc of a 602.96 feet radius curve to the left (Delta = 30° 08' 23", Long Chord = North 14° 53' 16" East 313.53 feet), 317.18 feet to a 5/8" iron pin, thence continuing along the Easterly right of way line of said Washburn Way, North 00° 10' 55" West 119.51 feet to the point of beginning.

STATE OF OREGON; COUNTY OF KLAMATH; ss

I hereby certify that the within instrument was received and filed for record on the 16 day of August A.D., 1982 at 11:06 o'clock A M and duly recorded in Vol M 82, of Mtge on page 10616

EVELYN BIEHN COUNTY CLERK
by Joyce McRae Deputy

FEE \$ 12.00