

16473 NOTICE OF DEFAULT AND ELECTION TO SELL Vol. M82 Page 13896

GARY J. COMER and GILBERTE M. COMER, husband and wife, as grantor, made, executed and delivered to STEVEN A. ZAMSKY, as trustee, to secure the performance of certain obligations including the payment of the principal sum of \$3,000.00 in favor of FIDELITY MORTGAGE COMPANY, INC., a California Corporation, as beneficiary, that certain trust deed dated 22 August, 1980, and recorded 10 September, 1980, in Book/Reel/Volume No. M80 at page 17136 or as Document/Fee/File/Instrument/Microfilm No. 89463 (indicate which) of the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county:

Block 2, Lot 10 of the First Addition to Nimrod River Park

Subject to all conditions, covenants, reservations, restrictions, easements, rights and rights of way of record and those apparent on the ground, official records of said county and state.

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: \$64.00 due August 22, 1981, and all payments due thereafter.

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 principal amount of \$2552.66, plus interest at the rate of ten percent (10%) per annum from July 22, 1981.

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 o'clock, A.M., Standard Time, as established by Section 187.110 of Oregon Revised Statutes on February 25, 1983, at the following place: 110 North 6th, Suite 207 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.

82

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

(10%) has within [low 10% 55' 1982] the beneficiary amount of \$5225.00 being interest on the sum of \$100,000.00

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 12, 1982

Trustee *Steven A. Zamsky* Registrar (State which)

(If executed by a corporation, affix corporate seal)

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

(ORS 93.490)

STATE OF OREGON, County of Klamath

STATE OF OREGON, County of \_\_\_\_\_ ss.

Personally appeared the above named Steven A. Zamsky

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 authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

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

Before me: \_\_\_\_\_ Notary Public for Oregon My commission expires: \_\_\_\_\_

Notary Public for Oregon My commission expires: 12/16/83

Notary Public for Oregon My commission expires: \_\_\_\_\_ (OFFICIAL SEAL)

NOTICE OF DEFAULT AND ELECTION TO SELL (FORM No. 884)

STEVENS-NEES LAW PUB. CO., PORTLAND, ORE.

RE TRUST DEED

covering the following described real estate Gary J. and Gilberte M. Comer Grantor

STEVEN A. ZAMSKY Trustee

AFTER RECORDING RETURN TO

Steven A. Zamsky, P.C. 110 North 6th, Suite 207 Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath ss.

I certify that the within instrument was received for record on the 19 day of Oct, 1982, at 11:13 o'clock AM., and recorded in book/reel/volume No. M82 on page 13896 or as document/tee/file/instrument/microfilm No. 16473 Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn County Clerk Deputy

Fee \$8.00