

OL

18774

Vol. 182

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## 2nd AMENDED NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Valley Acres Land Company, Inc.

in favor of Horace W. Nannary and Grace M. Nannary Richard L. Garbutt as successor, as grantor, to  
 dated December 9, 1980, recorded December 9, 1980, in the mortgage records of  
Klamath County, Oregon, in book/reel/volume No. M80 at page 23850, or as  
 fee/file/instrument/microfilm/reception No. \_\_\_\_\_ (indicate which), covering the following described real  
 property situated in said county and state, to-wit:

Lot 6, Block 22, SECOND ADDITION TO NIMROD RIVER PARK, according  
 to the official plat thereof on file in the office of the County  
 Clerk 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:

Monthly payments for months of February, 1982 through November, 1982.

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:

Balance owing of \$972.60 plus interest at 10% per annum from  
 January 1, 1982.

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 prop-  
 erty 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 pro-  
 vided 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 May 3, 1983, at the following place: Klamath County  
Courthouse \_\_\_\_\_ 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.

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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  
Mazama Realty, Incorporated  
5030 South Sixth Street  
Klamath Falls, OR 97601

NATURE OF RIGHT, LIEN OR INTEREST  
Judgment Lien

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: 12/28, 1982

Trustee Beneficiary (State which)

(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.

December 28, 1982.

Personally appeared the above named

Richard L. Garbutt

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

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: 12-29-85

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

Valley Acres Land Company

Grantor

To Richard L. Garbutt

Successor Trustee

AFTER RECORDING RETURN TO

Richard L. Garbutt  
122 So. 5th St. - 300  
Klamath Falls, OR 97601

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, County of Klamath } ss.

I certify that the within instrument was received for record on the 28th day of December, 1982, at 2:25 o'clock P.M., and recorded in book/reel/volume No. 1882 on page 18456 or as fee/file/instrument/microfilm/reception No. 18774. Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn County Clerk

By Berntha A. Letch Deputy

Fee \$8.00

ck.  
800