

CE 20890

NOTICE OF DEFAULT AND ELECTION TO SELL

ROBERT L. BUSCHMANN and SYLVIA J. BUSCHMANN, husband and wife, as grantor, made, executed and delivered to TRANSAMERICA TITLE INSURANCE COMPANY, as trustee, to secure the performance of certain obligations including the payment of the principal sum of \$ *35,000.00* in favor of PEOPLES MORTGAGE COMPANY, a Washington corporation**, as beneficiary, that certain trust deed dated January 3, 19 79, and recorded January 8, 19 79, in Book/Record No. M-79 at page 581 *** ~~of the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county:~~

Lot 8, OLD ORCHARD MANOR, in the City of Klamath Falls,
in the County of Klamath, State of Oregon

**the beneficial interest under said Deed of Trust was duly assigned of record to Housing Division, Department of Commerce, State of Oregon, by instrument recorded March 5, 1979, in Book M-79, Page 4876,

***modified by Addendum to Trust Deed recorded January 8, 1979, in Book M-79, Page 584,

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:

DATE	PRINCIPAL AND INTEREST	LATE CHARGE	TOTAL
July 1, 1982	\$ 309.00	\$ 12.36	\$ 321.36
August 1, 1982	309.00	12.36	321.36
September 1, 1982	309.00	12.36	321.36
October 1, 1982	309.00	12.36	321.36
November 1, 1982	309.00	12.36	321.36
December 1, 1982	309.00	12.36	321.36
January 1, 1983	329.00	13.16	342.16
February 1, 1983	329.00	13.16	342.16
TOTAL:	\$2,512.00	\$100.48	\$2,612.48

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:

Principal amount of \$33,755.78, together with interest thereon at the rate of 7.25% per annum from June 1, 1982, plus reserve overdraft of \$407.54.

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 10:00 o'clock, A.M., Standard Time, as established by Section 187.110 of Oregon Revised Statutes on July 29, 19 83, at the following place: main door of the 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.

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

Robert L. Buschmann
1021 Washburn Way
Klamath Falls, OR 97601

Sylvia J. Buschmann
1021 Washburn Way
Klamath Falls, OR 97601

Earle Fairchild
2625 Altamont Drive
Klamath Falls, OR 97601

Juanita Fairchild
2625 Altamont Drive
Klamath Falls, OR 97601

Donna M. Jennings
c/o 2625 Altamont Drive
Klamath Falls, OR 97601

NATURE OF RIGHT, LIEN OR INTEREST

Grantor in the Deed of Trust and as owner as a tenant by the entirety of the above described real property.

Grantor in the Deed of Trust and as owner as a tenant by the entirety of the above described real property.

Beneficiaries in Trust Deed, including the terms and provisions thereof, with interest thereon and such future advances as may be provided therein, given to secure the payment of \$10,000.00, which Trust Deed was dated March 26, 1981, and recorded March 27, 1981, in Book M-81, Page 5488, given by Robert Leroy Buschmann and Sylvia J. Buschmann, Grantor, William L. Sismore, Trustee, and Town & Country Mortgage & Investment Co., Beneficiary. Said Trust Deed

(CONTINUED ON NEXT PAGE)

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: February 23, 1983.

Successor Trustee

Beneficiary

(State Official)

(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 Lane ss.

February 23, 1983.

Personally appeared the above named

William S. Wiley

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

Before me:

(OFFICIAL SEAL) Notary Public for Oregon

Donna M. McClure

Notary Public for Oregon

My commission expires: 8/16/86

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 authority 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

Robert L. Buschmann and
Sylvia J. Buschmann Grantor

TO

Transamerica Title Trustee
Insurance Company

AFTER RECORDING RETURN TO

William S. Wiley
Attorney at Law
P. O. Box 1147
Eugene, OR 97440

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON,

County of ss.

I certify that the within instrument was received for record on the day of 19, 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.

By Deputy

NAME AND LAST KNOWN ADDRESS

NATURE OF RIGHT, LIEN OR INTEREST

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Earle Fairchild
Juanita Fairchild
Donna M. Jennings
(continued)

was assigned by instrument recorded March 27, 1981, in Book M-81, Page 5592, to Earle Fairchild and Juanita Fairchild or Donna M. Jennings.

Instrument appointing successor trustee was recorded October 29, 1982, in Book M-82, Page 14417, appointing William M. Ganong.

Notice of Default and Election to Sell was recorded October 29, 1982, in Book M-82, Page 14418, affecting said Trust Deed.

Pacific Power & Light Co.
c/o CT Corporation Systems
Registered Agent
800 Pacific Building
Portland, OR 97204

Mortgagee in Mortgage, including the terms and provisions thereof, with interest thereon and such future advances as may be provided therein, given to secure the payment of \$1,865.00. Said Mortgage was dated September 24, 1979, and recorded May 29, 1981, in Book M-81, Page 9533, given by Robert Leroy Buschmann and Sylvia J. Buschmann.

Robert Thomas
930 Klamath Avenue
Klamath Falls, OR 97601

Creditor in judgment against Robert Buschmann entered September 21, 1981, in Book 37, Page 146, Line 2, Registered No. 79-197L, in the amount of \$465.76.

Advanced Collection
c/o Roger S. Hull
1295 Neil Creek Road
Ashland, OR 97520

Creditor in judgment against Carefree Living Products, Inc., and Robert L. Buschmann, entered August 5, 1982, in Book 37, Page 439, Line 3, Register No. DC82-505L, in the amount of \$758.80.

c/o James M. Wright
1775 Bristol Street
Ashland, OR 97520
c/o Charles C. Butler, Jr.
499 Thornton
Ashland, OR 97520

c/o David L. Burlingame
2020 Highway 99N, No. 17
Ashland, OR 97520

c/o Isabelle M. Wild
652 Linn Road
Eagle Point, OR 97524

Southern Oregon Credit Service
c/o Irving Eisenstein, Reg. Agent
841 Stewart Avenue, Suite 11
Medford, OR 97501

Creditor in judgment against Robert L. Buschmann, entered September 20, 1982, in Book 37, Page 472, Line 1, Register No. 82-10636T (Jackson County), in the amount of \$433.37.

Josten's Inc.
c/o Steven P. Couch, Attorney
220 Main Street, Suite 1D
Klamath Falls, OR 97601

Plaintiff in proceedings pending in the Circuit Court for Klamath County, under Suit No. 82-1061, entitled Josten's Inc, Plaintiff, vs. Robert Buschmann and Carefree Living Production Inc., Defendants, being an action for collection of money due.

(CONTINUED ON NEXT PAGE)

NAME AND LAST KNOWN ADDRESS

Howdy Fowler, dba
Rawhide Productions
2424 Patterson
Klamath Falls, OR 97601

Certified Mortgage Co., Inc.
c/o Richard H. Merlett, Reg. Agent
836 Klamath Avenue
Klamath Falls, OR 97601
Tenants in Possession
1021 Washburn Way
Klamath Falls, OR 97601

NATURE OF RIGHT, LIEN OR INTEREST

Plaintiff in proceedings pending in the Circuit Court for Klamath County, under Suit No. 81-1458, entitled Howdy Fowler, doing business as Rawhide Productions, Plaintiff, vs. Carefree Living Productions, Inc., Robert L. Buschmann and Michael Lienaw doing business as Global Net News, Defendants, being an action for breach of agreement. Creditor in judgment entered November 5, 1981, in Book 37, Page 212, Line 4, Register No. 81-1075, against Robert Buschmann, in the amount of \$2,977.50. Persons in possession or claiming the right to possession of the above described real property.

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Return To:
William S. Wiley
P.O. Box 1147
Eugene, Oregon 97440

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record

this 1st day of March A.D. 1983 at 10:52 o'clock A.M., and
duly recorded in Vol. M83 of Mortgages on Page 3073

By EVELYN BIEHN County Clerk
Bernetha D. Letch

Fee \$16.00