

K-36216

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NOTICE OF DEFAULT AND ELECTION TO SELL

William J. Small, as Grantor, made, executed and delivered to Transamerica Title Insurance Co, as Trustee, to secure the performance of certain obligations including the payment of the principal sum of \$2,206.27 in favor of Wells Fargo Realty Services Inc., Trustee Under Trust No. 7219, as beneficiary, that certain trust deed dated March 23, 1978, and recorded May 26, 1978, in Book M-78, at Page 11177, of the Mortgage Records of Klamath County, Oregon, covering the following described real property situated in said county:

Lot 20 in Block 11 OREGON SHORES SUBDIVISION-Tract #1053, in the County of Klamath, State of Oregon, as shown on the map filed on October 3, 1973, in Volume 20, pages 21 and 22 of MAPS in the office of the County recorder of said County.

The beneficial interest was assigned to Donald L. Trout and Arlene Trout by instrument dated July 21, 1980, recorded July 31, 1980, in Book M-80, Page 14215, 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 situated and that Donald L. Trout and Arlene Trout, assignees of the the beneficiary, are the owners and holders of the obligations, the performance of which is secured by said trust deed; that William C. Crothers, Jr. has been appointed successor trustee by instrument dated June 28, 1983, recorded in Klamath County Mortgage Records on July 1, 1983, in Book M-83, Page 10450, 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 Grantors have failed to pay, when due, the following sums thereon:

Delinquent installments: \$36.00 Due November 8, 1982,
and same amount due on the 8th day of each month thereafter.

Delinquent taxes: \$ 1.93 for the fiscal year 1981-82, plus interest;
\$92.23 for the fiscal year 1982-83, plus interest;

which amounts 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:

Unpaid principle balance of \$711.72, plus interest thereon at 7% per annum from October 6, 1982, until paid.

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

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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 9:00 o'clock, A. M., as established by Section 187.110 of Oregon Revised Statutes on December 9, 1983, at the following place: On the steps of the 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.

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 contest 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 the 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 this 21 day of July, 1983.

William C. Crothers, Jr.
Trustee

STATE OF OREGON, County of Marion) ss.

Personally appeared the above named William C. Crothers, Jr., Trustee, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Brenda Joyce Shinn
NOTARY PUBLIC FOR OREGON

My Commission Expires: 7-31-86

AFTER RECORDING RETURN TO:

William C. Crothers, Jr.
960 Broadway NE Suite 6
Salem, Oregon 97301
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STATE OF OREGON: COUNTY OF KLAMATH ; ss

I hereby certify that the within instrument was received and filed for record on the 22nd day of July, A.D., 19 83 at 10:36 o'clock A M and duly recorded in Vol M83 of Mortgages on page 11689

EVELYN BIEHN COUNTY CLERK
by [Signature] Deputy

FEE \$ 2.00