

28439

## NOTICE OF DEFAULT AND ELECTION TO SELL

Vol. m83 Page 16030

Reference is made to that certain trust deed made by  
 MARSHALL C. WHITFORD and JEAN A. WHITFORD, husband and wife, as grantor, to  
 TRANSAMERICA TITLE INSURANCE COMPANY, a California Corporation, as trustee,  
 in favor of WELLS FARGO REALTY SERVICES, INC., a California Corporation, beneficiary,  
 dated March 27, 1978, recorded May 2nd, 1978, in the mortgage records of  
 Klamath County, Oregon, in book/reel/volume No. M-78 at page 8711, or as  
 beneficiary, instrument/reception No. ~~XXXXXXXXXXXXXXXXXXXX~~ (indicate which), covering the following described real  
 property situated in said county and state, to-wit:  
 Lot 33, Block 2, Tract No. 1113-Oregon Shores-Unit 2, in the County of  
 Klamath, State of 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 installments of principal and interest, due August, 1982 in  
 the amount of \$76.34 each; and all subsequent installments in like amounts;  
 and subsequent installments of assessment dues under the terms and  
 provisions of the Note and Deed of Trust.

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:

\$2,819.82 plus interest thereon from July 11, 1982 at the rate of  
 (8%) EIGHT PER CENT PER ANNUM until paid, and all sums expended by the  
 Beneficiary pursuant to the terms and provisions of the Note and Deed  
 of Trust.

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 January 31, 1984, at the following place: Transamerica Title  
 Insurance Company, 600 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.



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

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: 9-16, 1983

TRANSAMERICA TITLE INSURANCE COMPANY

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

Trustee

Beneficiary

(State which)

(ORS 93.490)

STATE OF OREGON,

County of

} ss.

, 19

Personally appeared the above named

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

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires:

STATE OF OREGON, County of Klamath

} ss.

9-16, 1983

Personally appeared Andrew A. Patterson

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

Assistant Secretary

of TRANSAMERICA TITLE INSURANCE COMPANY

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:

Sandia Handsaker

Notary Public for Oregon

My commission expires: 7-23-85

(OFFICIAL SEAL)

# NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

STEVENS-NESS LAW PUB. CO., PORTLAND, OR.

Re: Trust Deed From

Marshall Whitford and  
Jean Whitford

To

Transamerica Title  
Insurance Co.

Trustee

AFTER RECORDING RETURN TO

Transamerica Title Ins. Co.  
600 Main Street  
Klamath Falls, Oregon 97601  
J-38-25871

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 16th day of September, 1983, at 11:06 o'clock A.M., and recorded in book/reel/volume No. M 83 on page 16030, or as fee/file/instrument/microfilm/reception No. 28432, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

NAME

TITLE

By [Signature] Deputy

Fee: \$ 3.00