

T/A 38-25873-9-J

28444

NOTICE OF DEFAULT AND ELECTION TO SELL Vol. 183 Page 16040

Reference is made to that certain trust deed made by ROBERT E. YORK and EVELYN M. YORK, 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, as trustee, dated February 15, 1979, recorded June 1, 1979, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M-79, at page 12653, or as ~~the first instrument of record in the records of the County of Klamath, Oregon, in book/reel/volume No. M-79, at page 12653, covering the following described real property situated in said county and state, to-wit:~~
Lot 9, Block 31, Tract No. 1184, OREGON SHORES-Unit 2, FIRST ADDITION,
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 October, 1982, in the amount of \$61.94 each; and 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:

\$4,132.53 plus interest thereon from September 15, 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 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 the compensations of 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 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.)

(ORS 93.490)

STATE OF OREGON,)
County of) ss.

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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:

Sandra Handmaker

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

Robert E. York and
Evelyn M. York GrantorTo
Transamerica Title Ins. Co.
Company Trustee

AFTER RECORDING RETURN TO
Transamerica Title Ins. Co.
600 Main Street
Klamath Falls, Oregon
97601

SPACE RESERVED
FOR
RECORDER'S USE

Fee: \$8.00

STATE OF OREGON,) ss.
County of Klamath

I certify that the within instrument was received for record on the 16th day of September, 1983 at 11:07 o'clock A.M. and recorded in book/reel/volume No. M. 83 on page 16040 or as fee/file/instrument/microfilm/reception No. 28444, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

NAME

TITLE

By John Smith Deputy