

30663

Vol. 1183 Page 19712

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Betty J. Bishop and Linda K. Smith
Richard L. Garbutt, as grantor, to
William K. Kalita, as trustee,
 in favor of March 27, 1983, recorded March 30, 1983, as beneficiary,
 dated Klamath County, Oregon, in book/reel/volume No. M79, in the mortgage records of
n/a at page 6981, or as
 fee/file/instrument/microfilm/reception No. (indicate which), covering the following described real
 property situated in said county and state, to-wit:

See attached Exhibit "A"

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 July, August, September, October and November beginning 7-5-83 @ \$125.00 per month, @ 9½%

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:

\$8850.25 plus interest @ 9½% from 7-5-83

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 April 17, 1984, 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.

12.02

30513

83 NOV 13 PM 2 37

19713



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: November 16, 1983

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

(ORS 93.490)

STATE OF OREGON,

County of KlamathNovember 16, 1983

Personally appeared the above named

Richard L. Garbutt

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

Before me:

Notary Public for Oregon

My commission expires:

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

Betty J. BishopLinda K. Smith

Grantor

To

Richard L. Garbutt

Trustee

AFTER RECORDING RETURN TO

Richard L. Garbutt
803 Main Street, #210
Klamath Falls, OR 97601

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 fee/file/instrument/microfilm/reception No. _____, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____ Deputy

Exhibit "A"

MTC NO. 13069

19714

DESCRIPTION

Lots 1, 2, 3 in Block 4, WOODLAND PARK. together with an undivided 3/88th interest in the following described land, 2 parcels situated in Lots 1 and 2, Section 15, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, and being more particularly described as follows:

PARCEL A:

Beginning at the Northwest corner of said Section 15, Township 34 South, Range 7 East of the Willamette Meridian, and running thence along the North line of said Section North 89° 42' 15" East 400 feet; thence South 62.42 feet; thence South 46° 57' 20" West 408.82 feet to the Northeastly bank of the Williamson River; thence following said river bank North 37° 53' 20" West 136.90 feet; thence North 16° 33' West 60.98 feet to the West line of Section 15; thence Northerly on said Section line 172.92 feet to the point of beginning.

PARCEL B:

Beginning at the Northwest corner of Section 15, Township 34 South, Range 7 East of the Willamette Meridian, and running thence North 89° 42' 15" East 400.0 feet along the North line of said Section 15; thence South 62.42 feet; thence South 50° 43' 50" East 453.16 feet; thence South 76° 17' 30" East 886.79 feet to the true point of beginning of this description; thence South 35° 56' 30" West 446.55 feet to a point on the Northeastly bank of the Williamson River; thence South 45° 32' 20" East 84.00 feet; thence North 44° 52' 10" East 411.58 feet; thence North 34° 25' 40" West 156.01 feet, more or less, to the true point of beginning of this description.

STATE OF OREGON,)

County of Klamath)

Filed for record at request of

on this 16th day of Nov. A.D. 19 83

at 2:37 o'clock P M, and duly

recorded in Vol. M83 of Mortgages

Page 19712

EVELYN BIEHN, County Clerk

By Ann Smith Deputy

Fee 12.00