

35889

LGG: 28-00

Vol. 184 Page 6741

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by George Filippenko and Elizabeth M. Filippenko, as grantor, to Mountain Title Company, as trustee, in favor of Virginia A. Smith, as beneficiary, dated March 13, 1981, recorded March 13, 1981, in the mortgage records of Klamath County, Oregon, in book/leaf/volume No. M81 at page 4635, or as fee/title/instrument/microfilm/reception No. \_\_\_\_\_ (indicate which), covering the following described real property situated in said county and state, to-wit:

A portion of that tract of land recorded in Volume 242, Page 100 of Deed Records of Klamath County, Oregon described therein as being that portion of the NW 1/4 NE 1/4 of Section 24, Township 39 South, Range 9 E.W.M., Klamath County, Oregon described as follows: Beginning at the Northeast Corner of the above described tract of land which point of beginning is the Northeast Corner of the NW 1/4 NE 1/4 of Section 24 and bears West along the Section line a distance of 1339.75 feet from the Northeast Corner of said Section 24; thence continuing West along the Section line a distance of 125 feet; thence S 0° 19' W 167 feet; thence East parallel to the North Section line 125 feet; thence N 0° 19' E 167 feet to the point of beginning. Excepting therefrom any portion lying in Airway Drive.

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:

Payment due March 13, 1984, in the sum of \$194.00 and the payment due April 13, 1984, in the sum of \$194.00.  
Failure to pay real property taxes to Klamath County as follows:  
1983-84 - \$264.49 plus interest; 1982-83 - \$18.45 plus interest

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:

\$18,789.03, with interest at 10% from March 6, 1984

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 August 30, 1984, at the following place: 540 Main Street, Suite 204, 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.

84 APR 25 PM 1:17

2 CP 50

6742

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

None

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: April 24<sup>th</sup>, 19 84

15 16 57

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

Successor

Trustee

~~Beneficiary~~

(State which)

STATE OF OREGON,

County of Klamath } ss.

April 24, 19 84

Personally appeared the above named

Timothy A. Bailey

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

Before me:

My commission expires: 4-4-88

(ORS 93.490)

STATE OF OREGON, County of

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

To Grantor

Trustee

AFTER RECORDING RETURN TO

Crane & Bailey  
Attorneys at Law  
540 Main Street, Ste. 204  
Klamath Falls, Oregon 97601

SPACE RESERVED FOR RECORDER'S USE

Fee: \$8.00

STATE OF OREGON,

County of Klamath } ss.

I certify that the within instrument was received for record on the 24th day of April, 19 84 at 1:47 o'clock P. M., and recorded in book/reel/volume No. M84 on page 6741 or as fee/file/instrument/microfilm/reception No. 35889 Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

By *Ann Smith* Deputy