

36892

Vol. 184 Page 8126

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by JAMES R. ADAIR

KLAMATH COUNTY TITLE COMPANY, as grantor, to
in favor of ESTATE OF B. MARGUERITE WHYTALE, as trustee,
dated March 6, 1981, recorded March 18, 1981, as beneficiary,
Klamath County, Oregon, in book 181, volume No. M81, in the mortgage records of
Klamath County, Oregon, at page 4972, covering the following described real
property situated in said county and state, to-wit:

EXHIBIT "A" ATTACHED HERETO.

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: The entire principal balance and accrued interest thereon which became due and payable on April 1, 1984.

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: \$181,000.00, plus interest from March 4, 1981 through March 31, 1984 in the sum of \$20,278.06, plus interest on the sum of \$181,000.00 at the rate of 12% per annum from April 1, 1984, until paid, plus late charges in the amount of \$20.12.

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 October 11, 1984, at the following place: The front entrance of the County Courthouse, Klamath County, 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: May 21, 1984

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

Andrew H. Winfree
Andrew H. Winfree, Successor Trustee
~~Trustee~~ ~~Beneficiary~~ ~~Successor~~

STATE OF OREGON,
County of Multnomah } ss.
May 21, 1984
Personally appeared the above named
ANDREW H. WINFREE
and acknowledged the foregoing instrument to be
his voluntary act and deed.

(ORS 93.490)

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 attixed 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:
Antonia Zwald
Notary Public for Oregon
My commission expires: 12/7/87

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
JAMES R. ADAIR
Grantor
To
KLAMATH COUNTY TITLE COMPANY
Trustee

AFTER RECORDING RETURN TO
Andrew H. Winfree
421 S. W. Sixth Avenue
Portland, Oregon 97204

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"

PARCEL 1:

Beginning at the most Westerly corner of a parcel of land conveyed by Kincaid to Lillard as described in a Deed recorded in Klamath County Deed Records, Volume 114, page 586, which point of beginning is on the Northerly right of way line of Lakeshore Drive and is South 75°29' East a distance of 118.42 feet from the most Northerly corner of Lot 26 in Ouse Kila Homesites, thence South 45°03' East a distance of 36.78 feet; thence Southeasterly along the arc of a curve which designates the Northerly right of way line of said Lakeshore Drive, whose radius is 380.9 feet in length, a distance of 163.22 feet; thence North 25°0' East a distance of 200 feet, more or less, to the shore-line of Upper Klamath Lake; thence Westerly along said shore-line a distance of 150 feet, more or less, to a point which is North 48°43' East from the point of beginning; thence South 48°43' West a distance of 136 feet, more or less, to the point of beginning, being a parcel of land in the NE¼NE¼ of Section 26, Township 38 South, Range 8 East of the Willamette Meridian.

PARCEL 2:

Beginning at a point on the East right of way line of Secondary Highway No. 421 which lies North 89°59' East (this bearing is South 89°57' East in Lakewood Heights) a distance of 1375.08 feet and South 44°08' East along the East right of way line of the Highway a distance of 78.29 feet from the iron pin which marks the quarter section corner common to Sections 23 and 26, Township 38 South, Range 8 East of the Willamette Meridian in Klamath County, Oregon, (note this point of beginning marks the most Westerly corner of the tract described on page 531, Volume 164, Deed Records of Klamath County, Oregon) and running thence North 48°43' East along the Northwestern line of the above noted tract a distance of 133.5 feet to a point on the shore line of Upper Klamath Lake; thence North 66°17' West along the shore line of Upper Klamath Lake a distance of 12.76 feet to a iron pin; thence South 43°45' West a distance of 133.6 feet, more or less, to the point of beginning, said parcel being in Section 23, Township 38 South, Range 8 East of the Willamette Meridian and Section 26, Township 38 South, Range 8 East of the Willamette Meridian.

SUBJECT TO:

Right of Way Easement, including the terms and provisions thereof, from F. H. McCornack, guardian of Estate of Frank H. McCornack, Jr. to The California Oregon Power Company, recorded September 9, 1925, in Deed Volume 68 page 277, Volume 68 page 278, Volume 68 page 279, Volume 68 page 280 and Volume 68 page 281, Deed Records of Klamath County, Oregon.

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 May A.D., 1984 at 10:04 o'clock A.M., and duly recorded in Vol M84, of Mortgages on page 8426.

EVELYN BIEHN, COUNTY CLERK

by: [Signature], Deputy