

38514

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## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by ..... MOTY. &amp; VAN DYKE, INC. ....

..... KLAMATH COUNTY TITLE COMPANY ..... as grantor, to  
 in favor of Tri-Counties Bank ..... as trustee,  
 dated December 17, 1982, recorded January 3, 1983, in the mortgage records of  
 Klamath County, Oregon, in book/reel/volume No. M83 at page 55, or as  
 fee/file/instrument/microfilm/reception No. .... (indicate which), covering the following described real  
 property situated in said county and state, to-wit:

Lots 1,2,3 and the Easterly 6 inches of Lot 4 in Block 77  
 and a strip of land 0.25 feet in width, lying adjacent to and  
 Northwesterly of the Northwesterly line of Lots 1, 2, 3 and the  
 Easterly 6 inches of Lot 4 in Block 77 and a strip of land 0.25  
 feet in width lying adjacent to and Southeasterly of the South-  
 easterly line of Lots 1,2, 3 and the Easterly 6 inches of Lot 4  
 in Block 77 of Klamath Addition to the City of Klamath Falls,  
 according to the official plat thereof on file in the office of  
 the County Clerk of Klamath County, Oregon.

Lots 6,7,8, 9 and 10 in Block 77 and Lots 4 and 5 in Block 83  
 of Klamath Addition to the City of Klamath Falls, according to the  
 official plat thereof on file in the office of the County Clerk  
 of Klamath County, 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:

First interest installment when due and failure to pay entire  
 Note when due on June 15, 1983.

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:

\$130,000 plus interest as provided in said Note from December 17,  
 1982 thru June 12, 1984 in the sum of \$27,519.54 with interest to  
 accrue from that date forward as provided in said Note.

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 2:00 o'clock, P. M., Standard Time as established by Section  
 187.110 of Oregon Revised Statutes on November 20, 1984, at the following place: Klamath County  
 Courthouse front steps 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

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: June 25, 19 84

Donald V. Carter EXEC. VP.  
 Trustee Beneficiary (State which)

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

(ORS 93.490)

CALIFORNIA

STATE OF OREGON, ) ss.

County of

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~~ California, County of Shasta ) ss.

June 25, 19 84.

Personally appeared Donald V. Carter

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

Executive Vice Presidentof Tri-Counties Bank

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:

Patricia Ann Sammazan  
 Notary Public for ~~Oregon~~ California

My commission expires:

3-5-1986

OFFICIAL

PATRICIA ANN SAMMAZAN  
 NOTARY PUBLIC-CALIFORNIA  
 Principal Office in SHASTA County  
 My Commission Expires Mar. 5, 1986

# NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

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

Re: Trust Deed From

MOTY &amp; VAN DYKE, INC.

Grantor

To

KLAMATH COUNTY TITLE COMPANY

Trustee

AFTER RECORDING RETURN TO

MERTEL &amp; O'GILVIAN

431 N.E. KEARNEY

BEND, OREGON 97701

SPACE RESERVED  
 FOR  
 RECORDER'S USE

STATE OF OREGON, ) ss.  
 County of Klamath

I certify that the within instrument was received for record on the 6th day of July, 19 84, at 1:30 o'clock P.M., and recorded in book/reel/volume No. 184 on page 11396 or as fee/file/instrument/microfilm/reception No. 38511, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

NAME

TITLE

By Bernice A. Sketch Deputy

Fee: \$8.00