

OC

1983: 28-00

Vol. 13970 Page 14644

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by NELS DAVID CARLSON and PAULA H. CARLSON, husband and wife, as grantor, to Mountain Title Company, Inc., as trustee,

in favor of Jackson County Federal Savings & Loan Association, as beneficiary, dated November 16, 1983, recorded November 18, 1983, in the mortgage records of Klamath County, Oregon, in Book 1468/1469 Volume No. M83 at page 19811, or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_ (indicate which), covering the following described real property situated in said county and state, to-wit:

Lot 21, 22 and 23 in Block 12 of ST. FRANCIS PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, TOGETHER WITH that portion of vacated alley which inured thereto.

\*Beneficial interest was assigned to American Savings & Loan Association by Instrument dated December 13, 1983 and recorded January 12, 1984.

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 has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action has been instituted, such action 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 \$458.00 each, commencing with the payment due January 1, 1984 and continuing each month until this trust deed is reinstated or goes to trustee's sale; plus accrued late charges of \$118.30 as of August 16, 1984 and further late charges of \$16.90 on each delinquent payment after August 16, 1984; plus all fees, costs and expenses associated with this foreclosure, all sums expended by beneficiary to protect **\*\*SEE BACK\*\***

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit: The sum of \$39,576.00 with interest thereon at the rate of 12.50% per annum from December 1, 1983, until paid; plus all fees, costs and expenses associated with this foreclosure, all sums expended by beneficiary to protect the property or its interest therein during the pendency of this proceeding and less the reserve account balance of \$71.16.

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 1:00 o'clock, P.M., Standard Time as established by Section 187.110 of Oregon Revised Statutes on February 22, 1985, at the following place: front door 187.110 of Oregon Revised Statutes on February 22, 1985, at the following place: front door 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.

11012

14645

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

\*\*the property or its interest therein during the pendency of this proceeding and less the reserve account balance of \$71.16.

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said Section 86.753 of Oregon Revised Statutes.

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 person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: August 20, 1984

GEORGE C. REINMILLER - Successor-Trustee

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

STATE OF OREGON

County of Multnomah

The foregoing instrument was acknowledged before me this August 20, 1984, by

GEORGE C. REINMILLER

Notary Public for Oregon  
My commission expires: 1145-84

STATE OF OREGON, County of  
The foregoing instrument was acknowledged before me this  
1984, by  
president, and by  
secretary of  
corporation, on behalf of the corporation.

Notary Public for Oregon  
My commission expires:

NOTICE OF DEFAULT AND ELECTION TO SELL (FORM No. 884)

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

Re: Trust Deed From

NELS DAVID CARLSON and PAULAH H. CARLSON Grantor

MOUNTAIN TITLE COMPANY, Inc. Trustee

AFTER RECORDING RETURN TO  
GEORGE C. REINMILLER  
610 SW Alder St.-1015  
Portland, Oregon 97205

STATE OF OREGON, County of Klamath

I certify that the within instrument was received for record on the 23 day of August, 1984, at 3:42 o'clock P. M., and recorded in book/reel/volume No. M84, page 14644, or as fee/file/instrument/microfilm/reception No. 40420

Record of Mortgages of said County. Witness my hand and seal of County affixed.  
Evelyn Biehn, County Clerk

By: [Signature] Deputy

Fee: \$8.00