

40496

ASPEN F-278359

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by S. NELSON, husband and wife JAMES M. NELSON, SR. and CYNTHIA, as grantor, to TRANSAMERICA TITLE INSURANCE COMPANY, A California Corporation, as trustee, in favor of WELLS FARGO REALTY SERVICES, INC., A California Corporation, as beneficiary, dated March 6, 1979, recorded June 11, 1979, in the mortgage records of Klamath County, Oregon, in book/record No. M-79 at page 13665, covering the following described real property situated in said county and state, to-wit:

Lot 1, Block 43, Tract No. 1184, OREGON SHORES UNIT #2, FIRST ADDITION, in the County of Klamath, State of 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 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 principal and interest due for the months of January, February, March, April, May, June, July and August of 1984, in the amounts of \$68.38 each; and subsequent installments of like amounts; Subsequent amounts for assessments due under the terms and provisions of the Note and Deed.

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: \$4,006.06 plus interest and late charges, thereon from December 6, 1983 at the rate of EIGHT AND ONE HALF (8.5%) PERCENT per annum until paid and all sums expended by the Beneficiary pursuant to the terms and provisions of the Note and Deed of Trust.

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 January 18, 1985, at the following place: ASPEN TITLE & ESCROW, INC., 600 Main Street, 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 86.753 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 22, 1984

ASPEN TITLE & ESCROW, INC.

By: *Andrew A. Patterson* Trust Secretary

Successor Trustee

~~XXXXXXXXXXXXXXXXXXXX~~

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

(ORS 194.570)

STATE OF OREGON,

STATE OF OREGON, County of Klamath) ss.

County of)

The foregoing instrument was acknowledged before me this

August 22, 1984, by ANDREW A. PATTERSON

~~XXXXXXXXXXXX~~

Assistant secretary of

ASPEN TITLE & ESCROW, INC.

a Oregon corporation, on behalf of the corporation

Sandra Anderson

Notary Public for Oregon

Notary Public for Oregon

(SEAL)

My commission expires:

My commission expires: 7/23/85

NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

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

Re: Trust Deed From

James M. Nelson, Sr.

Cynthia S. Nelson Grantor

To Transamerica Title Ins. Co.

Trustee

AFTER RECORDING RETURN TO

Aspen Title & Escrow, Inc.

600 Main Street

Klamath Falls, Oregon 97601

SPACE RESERVED

FOR

RECORDER'S USE

STATE OF OREGON

County of Klamath

I certify that the within instrument was received for record on the 24th day of August, 1984,

at 3:37 o'clock P.M., and recorded in book/reel/volume No. M84 on page 14761 or as fee/file/instrument/microfilm/reception No. 40496

Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evalyn Biehn, County Clerk

NAME

By: *Tom Smith* Deputy

Fee: \$8.00