

42755

ASPEN F-28159
NOTICE OF DEFAULT AND ELECTION TO SELL

Vol. M84 Page 18588

Reference is made to that certain trust deed made by ROBERT C. TURNER and HELEN E. TURNER, husband and wife, as grantor, to TRANSAMERICA TITLE INSURANCE COMPANY, as trustee, in favor of MILDRED HAND, as beneficiary, dated April 23, 1980, recorded April 28, 1980, in the mortgage records of Klamath County, Oregon, in book 7868, page 7868, of 1980, covering the following described real property situated in said county and state, to-wit:

SEE ATTACHED EXHIBIT "A"

NOTICE OF DEFAULT AND

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 May, June, July, August, September, and October of 1984, in the amounts of \$354.00 each; and subsequent installments of like amounts; Subsequent amounts for assessments due under the terms and provisions of the Note and Deed of Trust.

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:

\$39,253.67 plus interest and late charges, thereon from April 28, 1984 at the rate of TEN (10%) 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 March 11, 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:

THE TURNER FAMILY REVOCABLE TRUST

NATURE OF RIGHT, LIEN OR INTEREST

6805 Whyte Avenue
Citrus Heights, CA 95621
and
106 Lincoln Way
Auburn, CA 95603

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: October 30, 1984

Successor Trustee

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

County of _____
The foregoing instrument was acknowledged before me this _____, 19____, by _____

(ORS 194.570)

STATE OF OREGON, County of Klamath) ss.
The foregoing instrument was acknowledged before me this
October 30, 1984, by ANDREW A. PATTERSON

Assistant
secretary of
ASPEN TITLE & ESCROW, INC.
a Oregon corporation, on behalf of the corporation.

Sandra Handscher
Notary Public for Oregon

My commission expires: 7-23-85

(SEAL)

My commission expires:

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

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

Re: Trust Deed From

Robert C. Turner
Helen E. Turner 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,) ss.
County of _____

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/title/instrument/microfilm/reception No. _____
Record of Mortgages of said County
Witness my hand and seal of County attized.

By _____ TITLE Deputy

EXHIBIT "A"

A portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 39 South, Range 8 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a 5/8" iron rod on the Easterly right of way line of Orindale Road, said point being North 00° 13' 21" East 666.24 feet and South 89° 43' 25" East 25.64 feet from the Northwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 12; thence South 89° 43' 25" East 1351.84 feet to a 5/8" iron rod on the East line of said Section 12; thence North 00° 23' 16" East along the East line of said Section 12, 664.99 feet to a 1 $\frac{1}{2}$ " pipe marking the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence North 89° 40' 11" West along the North line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$, 892.52 feet to a $\frac{1}{2}$ " iron rod; thence South 00° 13' 21" West a distance of 399.66 feet to a $\frac{1}{2}$ " iron rod marking the Southeast corner of a parcel of land conveyed by deed recorded in Book M-79 at page 3623; thence North 89° 46' 39" West 435.60 feet to a $\frac{1}{2}$ " iron rod on the East line of Orindale Road; thence South 00° 13' 21" West along the East line of Orindale Road, 265.76 feet to the point of beginning.

STATE OF OREGON,)

County of Klamath)

Filed for record at request of

on this 31st day of October A.D. 19 84
at 10:38 o'clock A M, and duly
recorded in Vol. M84 of Mortgages
Page 18588

EVELYN BIEHN, County Clerk

By [Signature] Deputy

Fee 12.00 Index: \$1.00