

OC

45338

ATC-28436 Vol. 185 Page 2931

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by WAYNE F. CHRISTENSEN and ERNESTINE CHRISTENSEN, husband & wife & MICHAEL L. CHRISTENSEN, as grantor, to TRANSAMERICA TITLE INSURANCE CO., as trustee, in favor of STATE SAVINGS AND LOAN ASSOCIATION, \*\*, as beneficiary, dated January 30, 1984, recorded February 9\*\*\*, 1984, in the mortgage records of Klamath County, Oregon, in book/re-recorded M-84 at page 2097, or as re-recorded (indicate which), covering the following described real property situated in said county and state, to-wit:

\*\*nka STATE FEDERAL SAVINGS AND LOAN ASSOCIATION

\*\*\*re-recorded March 8, 1984, in Book M-84, Page 3800

See Exhibit "A" which is attached hereto and by reference made a part hereof.

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: Payments for September thru December, 1984, and January and February, 1985, in the sum of \$429.00 each month, plus late charges in the sum of \$127.71, and accruing at the rate of \$16.50 each month.

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: \$34,934.72, plus interest thereon at the rate of 10.87% percent per annum until paid, plus late charges as specified hereinabove.

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 187.005 Oregon Revised Statutes on August 23, 1985, at the following place: Front entrance of Aspen Title & Escrow, Inc., 600 Main St. 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.

95 FEB 27 AM 10 41

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 86.753 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: February 25, 1985

JOHN A. MCCORMICK, Successor Trustee

Trustee (State which)

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

STATE OF OREGON, ss.

County of Linn

The foregoing instrument was acknowledged before me this February 25, 1985 by

JOHN A. MCCORMICK

STATE OF OREGON, County of

The foregoing instrument was acknowledged before me this

19, by

president, and by

secretary of

a corporation, on behalf of the corporation.

Notary Public for Oregon

My commission expires:

(SEAL)

# NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

Re: Trust Deed From

WAYNE F. CHRISTENSEN & ERNESTINE CHRISTENSEN Grantor  
& MICHAEL L. CHRISTENSEN Trustee  
TRANSAMERICA TITLE INSURANCE CO.

AFTER RECORDING RETURN TO  
JOHN A. MCCORMICK  
P.O. BOX 40  
ALBANY, OREGON 97321

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/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

2933

Lot 5, Block 77, BUENA VISTA ADDITION TO THE CITY OF KLAMATH FALLS, EXCEPTING THEREFROM the Southwest 3 feet of Lot 5 used for sewer line right of way. TOGETHER WITH an easement for driveway purposes described as follows:

Beginning at the most Southerly corner of Lot 7, Block 77, of BUENA VISTA ADDITION TO THE CITY OF KLAMATH FALLS; thence in a Northeasterly direction to the most Northeast corner of said Lot 7; thence Southeasterly to a point 10 feet Southeast of the Westerly corner of Lot 5; thence Northeasterly parallel with and 10 feet distant from the Northwest line of Lot 5, to the East line of said Lot 5; thence Northerly to the most Southerly corner of Lot 12; thence Northwesterly along the lot line between Lots 11 and 12, 10 feet; thence Southeast to a point that is 10 feet Northwesterly of the intersection of the Southeast line of Lot 11 and the West line of Idaho Street, and running parallel with said Idaho Street; thence Southwesterly parallel with and 10 feet distant from the Southeasterly lot line of Lots 10 and 11, to the Southwesterly line of Lot 10; thence Southwesterly to a point that is 20 feet Northwesterly of the most Northeasterly line of Lot 7; thence Southwesterly parallel with and 20 feet distant from the Southeasterly line of Lot 7 to the Southwest line of said lot; thence Southeasterly 20 feet to the most Southeast corner of Lot 7 and the point of beginning, in the County of Klamath, State of Oregon.

STATE OF OREGON, )  
County of Klamath )

Filed for record at request of

on this 27th day of February A.D. 19 85  
at 10:41 o'clock A M, and duly  
recorded in Vol. M85 of Mortgages  
Page 2931

**EVELYN BIEHN**, County Clerk

By [Signature] Deputy

Fee 13.00