

OC

49327

ASPEN F-28751
NOTICE OF DEFAULT AND ELECTION TO SELLReference is made to that certain trust deed made by BARRY W. PURNELL, as grantor, to WILLIAM L. SISEMORE, as trustee,in favor of LILLIAN STEWART, as beneficiary,
dated December 19, 1979, recorded December 20, 1979, in the mortgage records of Klamath County, Oregon, in book/~~xxx~~ volume No. M-79 at page 29188, or as
~~xxxxxx~~ covering the following described real
property situated in said county and state, to-wit:Lot 10, Block 9, STEWART, 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 November and December of 1982, January thru December of 1983, January thru December of 1984, January, February, March, April and May of 1985 in the amounts of \$55.61 each; and subsequent installments of like amounts; Subsequent amounts for assessments due under the terms and provisions of the Note and Trust 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:
\$1,252.94 plus interest and late charges, thereon from October 19, 1982, at the rate of TWELVE (12%) PER CENT PER ANNUM until paid and all sums expended by the Beneficiary pursuant to the terms and provisions of the Note and Deed of Trustee.

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 October 4, 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.

*85 MAY 31 PM 3 07

8062

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

Western Bank, c/o Foss, Whitey & Roiss
P. O. Box 1120, Coos Bay, OR 97420
Montgomery Ward, c/o Gerald M. Chase, Attorney
620 S.W. 5th Avenue, Suite 825, Portland
Creditors Protective Association, Inc.
320 S.W. 6th Avenue, Portland, OR 97204
C.P. National Corporation
1011 Main Street, Klamath Falls, Oregon
Kathryn A. Dearborn nka Kathryn A. Bucy
c/o Brandsness & Huffman, 411 Pine St.
Donald L. and Hazel I. Sloan, c/o Brandsness & Huffman
411 Pine Street, Klamath Falls, OR

NATURE OF RIGHT, LIEN OR INTEREST

Judgement

Judgement

Judgement

Suit No. 83-862CV

Suit No. 84-955CV

Judgement

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: May 31, 1985

ASPEN TITLE & ESCROW, INC.

BY: *Andrew A. Patterson*
Successor Trustee

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

STATE OF OREGON,

(ORS 194.570)

County of _____ ss.

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

STATE OF OREGON, County of Klamath

May 31, 1985, by ANDREW A. PATTERSON

Assistant

secretary of

ASPEN TITLE & ESCROW, INC.

a Oregon

corporation, on behalf of the corporation.

Sandra Hardscher
Notary Public for Oregon

(SEAL)

Notary Public for Oregon

My commission expires:

My commission expires: 7-23-85

NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

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

Re: Trust Deed From

Barry W. Purnell

Grantor

To

Transamerica Title

Insurance Company

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 ss.

I certify that the within instrument was received for record on the 31st day of May, 1985, at 1:07 o'clock P.M., and recorded in book/reel/volume No. 135 on page 3061 or as fee/file/instrument/microfilm/reception No. 49327, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

NAME

TITLE

By: *Sandra Hardscher* Deputy

Fee: \$9.00