

OE

54713

9:00 AM

Vol 185 Page 17275

NOTICE OF DEFAULT AND ELECTION TO SELL

DAVID D. CARROLL, as grantor, made, executed and delivered to MOUNTAIN TITLE CO., INC., as trustee, to secure the performance of certain obligations including the payment of the principal sum of \$24,000.00 in favor of JOHN T. SHAW and CHRISTIE L. SHAW, husband and wife, as beneficiary, that certain trust deed dated May 17, 1985, and recorded May 22, 1985, in Book/Reel/Volume No. M 85 at page 7636 or as Document/Fee/File/Instrument/Microfilm No. (indicate which) of the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county:

The South 1/2 of Lot 24, FAIR ACRES SUBDIVISION NO. 1, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, EXCEPTING THEREFROM that portion conveyed to Klamath County for road purposes by Deed Volume 349, page 474, Deed Records of Klamath County, Oregon.

185 OCT 23 PM 4 32 130 56

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 and that the beneficiary is the owner and holder of the obligations, the performance of which is secured by said trust deed; further, that no action, suit or proceeding has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action or proceeding has been instituted, such action or proceeding has been dismissed.

There is a default by the grantor owing the obligations, the performance of which is secured by said trust deed, with respect to provisions therein which authorize sale in the event of default of such provision, in that the grantor has failed to pay, when due, the following sums thereon: monthly installments of \$257.91 beginning June 22, 1985 and on the 22nd day of each month thereafter as follows:

June 22, 1985 - \$257.91; July 22, 1985 - \$257.91; August 22, 1985 - \$257.91; September 22, 1985 - \$257.91; and October 22, 1985 - \$257.91; for a total amount of \$1,289.55,

which are now past due, owing and delinquent. Grantor's failure just described is the default for which the foreclosure mentioned below is made.

By reason of said default, the beneficiary has declared all obligations secured by said trust deed immediately due, owing and payable, said sums being the following, to-wit:

Notice hereby is given that the undersigned, by reason of said default, has elected and he hereby does 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 a reasonable charge by 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 April 1, 1986, at the following place: the front steps of the 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.

OK
9/23

18810

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 86.760 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had no default occurred), together with costs, trustee's and attorney's fees, at any time prior to five days before the date set for said sale.

In construing this notice and whenever the context hereof so requires, 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 each and all other persons owing an obligation, the performance of which is secured by said trust deed, the word "trustee" includes any successor-trustee, and the word "beneficiary" includes any successor in interest of the beneficiary first named above.

DATED: October 22, 1985

John T. Shaw & Christie L. Shaw
Beneficiary (State which)

(If executed by a corporation, affix corporate seal)

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

(ORS 93.490)

STATE OF OREGON, } ss.

County of Klamath }
Oct. 22, 1985

Personally appeared the above named JOHN T. SHAW & CHRISTIE L. SHAW and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon
My commission expires: 7-3-89

STATE OF OREGON, County of _____) ss.

Personally appeared _____ and _____ who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____ a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon
My commission expires:

(OFFICIAL SEAL)

NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

RE TRUST DEED

Grantor
TO
Trustee

AFTER RECORDING RETURN TO

Parks + Ratliff
228 N. 7th St
RFO

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, } ss.
County of Klamath

I certify that the within instrument was received for record on the 23rd day of October, 1985, at 4:18 o'clock P.M., and recorded in book/reel/volume No. M85 on page 17275 or as document/tee/file/instrument/microfilm No. 54713, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk
By Pam Smith Deputy

Fee: \$9.00