

OC

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ASPEN F-29269

Vol. M85 Page 17738

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by GEORGE THOMAS HORN and JANET SHARRON HORN, husband and wife as grantor, to TRANSAMERICA TITLE INSURANCE COMPANY as trustee, in favor of TRANSAMERICA FINANCIAL SERVICES as beneficiary, dated July 15, 1981, recorded July 20, 1981, in the mortgage records of Klamath County, Oregon, in book/roll/page No. M-81 at page 12909, covering the following described real property situated in said county and state, to-wit:

SEE LEGAL DESCRIPTION FOR REAL PROPERTY IN EXHIBIT "A" ATTACHED
HERETO

IN ADDITION TO REAL PROPERTY, included in this foreclosure is
a 1966 Parimont, License No. X132929, 20 ft by 58 ft
Serial No. C603CKUS22622

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: A monthly installment in the amount of \$246.00 for the month of June, and monthly installments in the amount of \$349.00 for the months of July, August, September, and October of 1985; 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:

\$19,050.39 plus interest and late charges, thereon from June 17, 1985, at the rate of NINETEEN AND ONE-HALF (19.5%) 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 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 12, 1986, at the following place: ASPEN TITLE & ESCROW, INC. 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.

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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

None

NATURE OF RIGHT, LIEN OR INTEREST

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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 31, 1985

ASPEN TITLE & ESCROW, INC.

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 Klamath

ss.

The foregoing instrument was acknowledged before me this October 31, 1985, by

STATE OF OREGON, County of Klamath

ss.

The foregoing instrument was acknowledged before me this October 31, 1985, by ANDREW A. PATTERSON

Assistant

secretary of

ASPEN TITLE & ESCROW, INC.

Oregon

corporation, on behalf of the corporation

Sandra Handsher
Notary Public for Oregon

My commission expires:

7/23/89

(SEAL)

Notary Public for Oregon

My commission expires:

NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

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

Re: Trust Deed From

George Thomas Horn

Janet Shrron Horn

Grantor

To

Transamerica Title

Insurance 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

ss.

I certify that the within instrument was received or record on the day of 1985, at o'clock M., and recorded in book/reel/volume No. on page or as fee/tile/instrument/microfilm/reception No. Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By

Deputy

EXHIBIT "A"

17740

A portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 37 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a $\frac{1}{2}$ inch iron pin which is North 36° 39' 30" West a distance of 421.9 feet from an iron pin which is 2218.6 feet South and 934.1 feet West of the Northeast corner of Section 7, Township 37 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, and also marks the most Southerly point of a survey made for HOWARD BROWN and registered with the Klamath County Surveyor's Office as Survey No. 1056; thence North 27° 27' 07" West a distance of 917.7 feet to a $\frac{1}{2}$ inch iron pin; thence North 61° 23' 16" East a distance of 212.5 feet to a $\frac{1}{2}$ inch iron pin; thence South 33° 42' 23" East a distance of 977.0 feet to a $\frac{1}{2}$ inch iron pin on Brown's property line; thence South 71° 16' 16" West a distance of 322.8 feet along Brown's property line to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ 31st day
 of _____ October _____ A.D., 19 85 at 3:54 o'clock P M., and duly recorded in Vol. M85,
 of _____ Mortgages _____ on Page 17738.
 Evelyn Biehn-, County Clerk
 By _____ *Sam Smith*

FEE

\$13.00