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MTC 15736

Vol. M85 Page 18850

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by ELDEN R. KOLLMAR and CARIE D. KOLLMAR, husband and wife, TRANSAMERICA TITLE INSURANCE COMPANY, as grantor, to PEOPLES MORTGAGE COMPANY, a Washington corporation,\*\* as trustee, dated March 31, 1983, recorded April 7, 1983, in the mortgage records of Klamath County, Oregon, in Book 861/volume No. M83, at page 5221, covering the following described real property situated in said county and state, to-wit:

The West 1/2 of Lot 15, Block 2, BRYANT TRACTS NO. 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

\*\*the beneficial interest under said Deed of Trust was assigned to ICA Mortgage Corporation, a California corporation, by Assignment recorded October 10, 1984, in Volume M84, Page 17456,

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 payments in the amount of \$537.00 each for the months of August through November, 1985, plus late charges in the amount of \$21.48 each for the months of August through November, 1985.

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: Principal amount of \$41,888.33, together with interest thereon at the rate of 12.0% per annum from July 1, 1985, plus late charges of \$85.92.

(CONTINUED ON NEXT PAGE)

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 April 22, 1986, at the following place: the main door 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.

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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

Elden R. Kolmar  
1423 Dayton  
Klamath Falls, OR 97601

Carrie D. Kolmar  
2141 Gary Street  
Klamath Falls, OR 97601

NATURE OF RIGHT, LIEN OR INTEREST  
Grantor in the Deed of Trust, as owner in fee.

Grantor in the Deed of Trust.

Tenants in Possession  
1423 Dayton  
Klamath Falls, OR 97601

Persons in possession or claiming right to possession of the above described real property.

(CONTINUED ON NEXT PAGE)

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: November 18, 1985

Successor Trustee

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

STATE OF OREGON

County of Lane

The foregoing instrument was acknowledged before me this November 18, 1985, by William S. Wiley

STATE OF OREGON, County of

The foregoing instrument was acknowledged before me this 19, 1985, by president, and by secretary of

(SEAL)

My commission expires 8/16/86

Notary Public for Oregon

Notary Public for Oregon

My commission expires:

(SEAL)

# NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

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

Re: Trust Deed From

Elden R. Kolmar and Carrie D. Kolmar

To Transamerica Title Insurance Company

AFTER RECORDING RETURN TO

William S. Wiley  
Attorney at Law  
P. O. Box 9127  
Eugene, OR 97440

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STATE OF OREGON, County of

I certify that the within instrument was received for record on the day of 1985, 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 By TITLE Deputy

108W No. 924 - NOTICE OF DEFAULT AND ELECTION TO SELL

## NAME AND LAST KNOWN ADDRESS

Donald V. Philpott  
Hildebrand Rd. & Market  
Bonanza, OR 97623

Ruth A. Philpott  
Hildebrand Rd. & Market  
Bonanza, OR 97623

D. L. Hoots  
Attorney at Law  
2261 S. 6th  
Klamath Falls, OR 97601

Enver Bozgoz  
Attorney at Law  
1135 Pine  
Klamath Falls, OR 97601

Elden R. Kollmar  
1423 Dayton  
Klamath Falls, OR 97601

Carie D. Kollmar  
2141 Gary Street  
Klamath Falls, OR 97601

## NATURE OF RIGHT, LIEN OR INTEREST

Beneficiaries in Deed of Trust, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein, dated August 2, 1985, recorded August 13, 1985, in Volume M85, Page 12719, Microfilm Records of Klamath County, Oregon, in the amount of \$3,488.63, wherein Elden R. Kollmar is Grantor, Neal G. Buchanan, Attorney at Law, is Trustee, and Donald V. Philpott and Ruth A. Philpott, husband and wife, are Beneficiaries.

Attorney for Petitioner in dissolution between Elden R. Kollmar, Petitioner, and Carie D. Kollmar, Respondent, Case No. 85-569DI; Decree of Dissolution filed November 8, 1985.

Attorney for Respondent in dissolution between Elden R. Kollmar, Petitioner, and Carie D. Kollmar, Respondent, Case No. 85-569DI; Decree of Dissolution filed November 8, 1985.

Petitioner in dissolution between Elden R. Kollmar, Petitioner, and Carie D. Kollmar, Respondent, Case No. 85-569DI; Decree of Dissolution filed November 8, 1985.

Respondent in dissolution between Elden R. Kollmar, Petitioner, and Carie D. Kollmar, Respondent, Case NO. 85-569DI; Decree of Dissolution filed November 8, 1985.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the \_\_\_\_\_ day  
of November A.D., 19 85 at 11:20 o'clock A M., and duly recorded in Vol. M85  
of Mortgages on Page 18850.

FEE \$13.00

Evelyn Biehn, County Clerk  
By Tam Smith