

60522

NOTICE OF DEFAULT AND ELECTION TO SELL

Vol. M80

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Gerald W. Mattox and Ardy B. Mattox, as grantor, made, executed and delivered to Pioneer National Title Insurance Company, as trustee, to secure the performance of certain obligations including the payment of the principal sum of \$ 21,000 in favor of McNally-Rathbone now known as Fred's Travel Rama as beneficiary, as beneficiary, that certain trust deed dated June 10, 1983, in book M83 at page 13315, of the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county: See Exhibit "A" attached hereto and incorporated herein by reference. SUBJECT TO:

1. Rights of the Federal Government, the State of Oregon, and the general public in and to that portion thereof lying below the high water line of the Deschutes River.
2. Right of way Easement, including the terms and provisions thereof, by and between Clarence V. Parsons and Lilla F. Parsons, husband and wife, and Midstate Electric Cooperative, Inc., a cooperative corporation, dated September 17, 1952, recorded January 2, 1953, in Volume 258, page 415, Deed records of Klamath County, 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 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: \$21,000.00 plus interest at the rate of 12% per annum until paid

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: \$21,000.00 plus interest at the rate of 12% per annum until paid.

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, P. M., Standard Time, as established by Section 187.110 of Oregon Revised Statutes on August 12, 1986, at the following place: in front of Klamath County Courthouse, 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

NATURE OF RIGHT, LIEN OR INTEREST

none

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: 4/9, 1986.

(If executed by a corporation, affix corporate seal)

Trustee
Beneficiary
(State which)
Martin J. Howard as Officer of the
Beneficiary Fred's Travel Rama

NOTICE OF DEFAULT AND
ELECTION TO SELL

(FORM No. 864)

STEVEN-NESSE LAW PUB. CO., PORTLAND, ORE.

RE TRUST DEED

Grantor

TO

Trustee

STATE OF OREGON,

County of ss.

I certify that the within instrument was received for record on the day of , 19 , at o'clock M., and recorded in book on page

Record of Mortgages of said County. Witness my hand and seal of County affixed.

County Clerk—Recorder.

By Deputy.
AFTER RECORDING RETURN TO

MARTIN J. HOWARD
ATTORNEY AT LAW
2207 N. E. BROADWAY
PORTLAND, OREGON 97232

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

STATE OF OREGON,

County of ss.

Personally appeared the above named

and acknowledged the foregoing instrument to be voluntary act and deed.

Before me:

(OFFICIAL
SEAL)

Notary Public for Oregon

My commission expires:

(ORS 93.490)

STATE OF OREGON, County of Multnomah
April 9, 1986

Personally appeared Martin J. Howard

who, being duly sworn, is the Officer of Fred's Travel Rama

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.

Before me:

Notary Public for Oregon

My commission expires:

(OFFICIAL
SEAL)

7-24-87

EXHIBIT "A"
PROPERTY DESCRIPTION

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All the following described real property situated in Klamath County, Oregon:

PARCEL 1:

A tract of land in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 8, Township 24 South, Range 9 East of the Willamette Meridian, described as follows:

Beginning at the Northeast corner of said Section 8; thence South 0° 12' 43" East, along the East line of said Section 8, 434.95 feet; thence North 89° 39' 38" West, 656.05 feet to the East line of the W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 8; thence North 0° 07' 44" West, along said East line 435.35 feet to the North line of said Section 8; thence South 89° 37' 24" East, along said North line, 655.42 feet to the point of beginning.

PARCEL 2:

A tract of land in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 8, Township 24 South, Range 9 East of the Willamette Meridian, described as follows:

Beginning at the Northeast corner of said Section 8; thence South 0° 12' 48" East, along the East line of said Section 8, 434.93 feet to the true point of beginning; thence continuing South 0° 12' 43" East, along said East line 434.93 feet; thence 89° 41' 52" West, 656.68 feet to the East line of the W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 8; thence North 0° 07' 44" West along said East line 435.35 feet; thence South 89° 39' 38" East, 656.05 feet to the true point of beginning.

PARCEL 3:

A tract of land in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 8, Township 24 South, Range 9 East of the Willamette Meridian, described as follows:

Beginning at the Northeast corner of said Section 8; thence South 0° 12' 43" East, along the East line of said Section 8, 869.86 feet to the true point of beginning; thence continuing South 0° 12' 43" East along said East line, 434.92 feet to the South line of the N $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 8; thence North 89° 44' 08" West along said South line 657.30 feet to the East line of the W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 8; thence North 0° 07' 44" West, along said East line 435.33 feet; thence South 89° 41' 52" East, 656.68 feet to the true point of beginning.

TOGETHER WITH:

Easement given by Brooks-Scanlon, Inc., to K. E. Sandner recorded in Volume M-72, on page 4738, records of Klamath County, Oregon described as follows: "An easement 20 feet in width the centerline of said easement to be in the road as now constructed and used and approximately described as follows: Beginning at a point of the West line of Section 9, Township 24 South, Range 9 E.W.M. in Klamath County, Oregon, that is 1250 feet South of the Northwest corner of said Section 9; thence South 70° East 200 feet; thence South 15° West 595 feet; thence South 35° East 330 feet; thence South 12° East 495 feet; thence South 20° West 330 feet; thence South 10° East 330 feet; thence South 70° East 50 feet more or less to the Westerly right of way boundary of U.S. Highway No. 97

STATE OF OREGON: COUNTY OF KLAMATH :ss
I hereby certify that the within instrument was received and filed for record on the 11 day of AUGUST A.D., 1983 at 11:18 o'clock A M, and duly recorded in Vol M83, of MTCS on page 13315.

Fee \$ 12.00

EVELYN BIEHN COUNTY CLERK

by [Signature] Deputy

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ day of April A.D., 19 86 at 8:53 o'clock A M., and duly recorded in Vol. M86 of Mortgages on Page 6797.

FEE \$13.00

Evelyn Biehn, County Clerk
By [Signature]