

64333

ASPEN F-29996

Vol. M80

Page 13580

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by ROY EMERICK and LINDA EMERICKMOUNTAIN TITLE COMPANY

in favor of JACK T. JAMAR, as grantor, to  
 dated September 15, 1981, recorded September 17, 1981, in the mortgage records of  
Klamath County, Oregon, in book M-81 at page 16615,  
 covering the following described real  
 property situated in said county and state, to-wit:

Lot 15, Block 4, Tract 1021, WILLIAMSON RIVER KNOLL, in the County of  
 Klamath, State of Oregon, TOGETHER WITH an undivided 1/80th interest in  
 and to the following described property: The Easterly 60 feet of that  
 portion of Government Lots 40, 41, 44 and 45 lying South of the  
 Williamson River Knoll Subdivision and North of the Williamson River.

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 except as permitted by ORS 86.735(4).

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 September,  
 October, November, and December of 1983, January thru December, inclusive, of 1984,  
 January thru December, inclusive of 1985, and January, February, March, April, May,  
 June, and July of 1986, in the amounts of \$95.15 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:  
 \$6,312.65 plus interest and late charges, thereon from August 15, 1983, at the  
 rate of TEN (10%) 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 ORS 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 rea-  
 sonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:15 o'clock, A. M., in accord with the standard of time established  
 by ORS 187.110 on December 19, 1986, 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 last set for said sale.

AUG 1 AM 11 53

13581

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 ORS 86.753 has the right, at any time prior to five days before the date last set for 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 ORS 86.753.

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: July 31, 19 86.

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 } ss.  
The foregoing instrument was acknowledged before me this July 31, 19 86, by ANDREW A. PATTERSON

Assistant Secretary of  
ASPEN TITLE & ESCROW, INC.  
Oregon

a corporation, on behalf of the corporation.  
*Andria Standaker*  
Notary Public for Oregon

(SEAL)

Notary Public for Oregon

My commission expires:

My commission expires: 7/23/89

# NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

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

Re: Trust Deed From

Roy Emerick

Linda Emerick

Grantor

To

Aspen Title & Escrow, Inc.

Successor

Trustee

AFTER RECORDING RETURN TO

Aspen Title & Escrow, Inc.

600 Main Street

Klamath Falls, Oregon 97601

SPACE RESERVED  
FOR  
RECORDER'S USE

Fee: \$9.00

STATE OF OREGON,  
County of Klamath } ss.

I certify that the within instrument was received for record on the 1st day of August, 19 86, at 11:53 o'clock A.M., and recorded in book/reel/volume No. M86 on page 13580 or as fee/file/instrument/microfilm/reception No. 64333. Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

NAME

By *Ann Smith* Deputy

TITLE