

66836

ASPEN F-29994

Vol. M84 Page 18284

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by WILBURN SMALLWOOD and DEANN, as grantor, to SMALLWOOD, as trustee, in favor of MOUNTAIN TITLE COMPANY, as beneficiary, dated September 15, 19 81, recorded December 11, 19 81, in the mortgage records of Klamath County, Oregon, in book 1987-66836 No. M-81, at page 21263, covering the following described real property situated in said county and state, to-wit:

Lot 20, 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 July, August, 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, July, August and September 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:

\$6,960.01 plus interest and late charges, thereon from June 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 reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:00 o'clock, A. M., in accord with the standard of time established by ORS 187.110 on February 20, 19 87, 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.

'86 OCT 7 AM 11 32

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

INTERNAL REVENUE SERVICE

P. O. Box 3550

Portland, Oregon 97208

Federal Tax Lien

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: October 6, 19 86

ASPEN TITLE & ESCROW, INC.

BY: *[Signature]*

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.

STATE OF OREGON, County of Klamath } ss.

The foregoing instrument was acknowledged before me this _____, 19____, by _____

The foregoing instrument was acknowledged before me this October 6, 1986, by ANDREW A. PATTERSON

Assistant secretary of

ASPEN TITLE & ESCROW, INC.

Oregon

corporation, on behalf of the corporation

Sandra Handsaker
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

Wilburn Smallwood

Deann Smallwood

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 7th day of October, 19 86, at 11:32 o'clock A.M., and recorded in book/reel/volume No. 486 on page 13264, or as fee/file/instrument/microfilm/reception No. 66836, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Bighn, County Clerk

NAME

By *[Signature]*

TITLE

Deputy