

69041

AC 20712 Vol 1780 Page 22540

AMENDED

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Roger P. Montgomery and Maurine Montgomery, husband and wife, as grantor, to Transamerica Title Insurance Company, as trustee, in favor of Primary Source, Inc., an Oregon corporation, as beneficiary, dated June 12, 1979, recorded June 22, 1979, in the mortgage records of Klamath County, Oregon, in book XXXXXX No. M-79 at page 14879, covering the following described real property situated in said county and state, to-wit:

Lots 5 and 6, Block 1, Tract No. 1031, SHADOW HILLS SUBDIVISION #1, in the County of Klamath, State of 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; 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:

- (1) \$11,000 plus interest at 10% per annum from 12/15/80 until paid.
- (2) Real property taxes for tax years 1981-82 through 1985-86 totaling \$1,893.46.

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:

- (1) \$11,000 plus interest at 10% per annum from 12/15/80 until paid.
- (2) Real property taxes for tax years 1981-82 through 1985-86 totaling \$1,893.46.

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 May 15, 1987, at the following place: Main Entrance of the Klamath County Courthouse, 316 Main Street in the City of Klamath, County of Klamath, State of Oregon, which is the hour, date and place fixed by the trustee for said sale.

22541  
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

NONE

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: December 3, 1986

*Douglass H. Schmor*  
Douglass H. Schmor

Successor Trustee

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

STATE OF OREGON,

County of Jackson } ss.

The foregoing instrument was acknowledged before me this December 3, 1986, by Douglass H. Schmor

(SEAL)

*G. H. Connor*  
Notary Public for Oregon

My commission expires: 8-4-89

(ORS 194.572)

STATE OF OREGON, County of \_\_\_\_\_ ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_,

\_\_\_\_\_ president, and by \_\_\_\_\_,

\_\_\_\_\_ secretary of \_\_\_\_\_,

a \_\_\_\_\_ corporation, on behalf of the corporation.

Notary Public for Oregon

My commission expires: \_\_\_\_\_

(SEAL)

**NOTICE OF DEFAULT AND ELECTION TO SELL**  
(FORM No. 804)

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

Re: Trust Deed From \_\_\_\_\_

Grantor

To \_\_\_\_\_

Trustee

AFTER RECORDING RETURN TO

Brophy Wilson & DuHaine  
128

Midford 97501

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 8th day of December, 1986, at 12:25 o'clock P.M., and recorded in book/reel/volume No. M86 on page 22541 or as fee/file/instrument/microfilm/reception No. 69041, Record of Mortgages of said County.

Witness my hand and seal of County afixes.

Evelyn Biehn, County Clerk

NAME

TITLE

By *Ann Smith* Deputy