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**98695**

ASPEN 04032896  
NOTICE OF DEFAULT AND ELECTION TO SELL

Vol. 1189 Page 5529

Reference is made to that certain trust deed made by DONNIE D. HEATON, JR. and BERNADETTE C. HEATON, husband and wife, as grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as trustee, in favor of DUANE L. MATTSON, TRUSTEE FOR ESTATE OF PHILLIS MARIE MATTSON TRUST, as beneficiary, dated February 13, 1986, recorded February 24, 1986, in the mortgage records of Klamath County, Oregon, in book Page No. M-86, at page 3137, of one or more pages of said receipt on one indicate number property situated in said county and state, to-wit:

Lots 3 and 4, Block 14, MERRILL, 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 except as permitted by ORS 86.735(4).  
There is a default by the grantor(s) with

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 June, July, August, September, October, November and December of 1987; January thru December, inclusive, of 1988; and January, February, and March of 1989, in the amounts of \$298.19 each; plus two (2) payments of \$1,000.00 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:

\$30,896.20 plus interest and late charges, thereon from January 4, 1988, 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 Trust Deed.

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 August 18, 1989, at the following place: ASPEN TITLE & ESCROW, INC., 600 Main Street, Klamath, in the City of Klamath, County of \_\_\_\_\_, State of Oregon, which is the hour, date and place last set for said sale.

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

Merrilees Oil Co.  
Merrill, Oregon 97633

NATURE OF RIGHT, LIEN OR INTEREST

Judgment

Carter Jones Collection Service, Inc.  
1143 Pine Street  
Klamath Falls, OR 97601

Judgment

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: March 30, 1989

ASPEN TITLE & ESCROW, INC.

BY: Andrew A. Patterson  
Successor Trustee

XXXXXXXXXXXX

(State which)

(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 \_\_\_\_\_, 1989, by Andrew A. Patterson

Assistant Secretary of \_\_\_\_\_

ASPEN TITLE & ESCROW, INC.

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

Notary Public for Oregon

(SEAL)

Notary Public for Oregon

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

My commission expires: 7/23/89

(SEAL)

# NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

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

Re: Trust Deed From

Donnie D. Heaton, Jr.

Bernadette C. Heaton Grantor

To

Aspen Title & Escrow, Inc.

Successor Trustee

AFTER RECORDING RETURN TO  
Aspen Title & Escrow, Inc.  
600 Main Street  
Klamath Falls, OR 97601

SPACE RESERVED  
FOR  
RECORDER'S USE

Fee \$13.00

STATE OF OREGON,  
County of Klamath } ss.

I certify that the within instrument was received for record on the 3rd day of April, 1989, at 11:17 o'clock AM, and recorded in book/reel/volume No. M89 on page 5529 or as fee/file/instrument/microfilm/reception No. 98696. Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

NAME

TITLE

By Paula M. Mendenhall Deputy