

OK

295

Vol. m89 Page 8578

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by David C. Messerli and Christel Messerli, husband and wife, as grantor, to Mountain Title Company of Klamath County, as trustee, in favor of Paul L. Fouch and Millicent Marie Fouch, husband and wife, as beneficiary, dated September 16, 1987, recorded September 25, 1987, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M87 at page 17515, or as fee/file/instrument/microfilm/reception No. _____ (indicate which), covering the following described real property situated in said county and state, to-wit:

A portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point marked by an iron pin on the North line of the Klamath Falls-Ashland Highway and distant along said line of Highway 277.9 feet from the intersection of said line and the East line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence Southwesterly along said line of Highway 100 feet to the Southwest corner of the property herein conveyed; thence North 35 degrees West to the North line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon; thence East along said North line of SW $\frac{1}{4}$ NW $\frac{1}{4}$ to a point North 35 degrees East to the point of beginning; thence South 35 degrees East to the point of beginning, being the Southeast corner of the property herein conveyed.

Also the strip of land lying Easterly of this property and bounded on the East by the Westerly line of property deeded to Everett C. Puckett by deed recorded in Column 107, page 495, 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; 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:

\$184.99 due 11/25/88; \$184.99 due 4/25/89, and also payments due on First Deed of Trust to Klamath First Federal Savings Loan & Association of Klamath Falls, Oregon in the sum of \$285.00 due 4/25/89, with monthly payments due from May 25, 1989 and future payments.

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:

The current principle balance of \$18,926.48, with interest at 9.5% per annum, from April 3, 1989 until paid, which includes missed payments of \$184.99 due November 25, 1988, March 25, 1988, and a like payment on the 25th day of each month thereafter until September 30, 1989 when the full principle balance shall be due.

The sum of \$19,553.85 is due Klamath First Federal Savings & Loan Association of Klamath Falls, together with current monthly payments of \$285.00.

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 October 3, 1989, at the following place: The law office of Glenn D. Ramirez, 514 Walnut St., Klamath Falls, OR in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for said sale.

61 MAY 17 PM 4 68

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

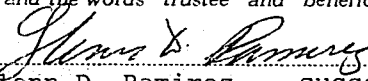
David C. Messerli & Christel Messerli
Route 3, Box 277, Highway 66
Klamath Falls, OR 97601

vendee - owners interest, grantors
under deed of trust to be foreclosed

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: May 16, 1989


Glenn D. Ramirez - successor trustee
Trustee ~~Beneficiary~~ (State which)

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

STATE OF OREGON,

(ORS 194.570)

STATE OF OREGON, County of _____) ss.

County of Klamath)

The foregoing instrument was acknowledged before me this

The foregoing instrument was acknowledged before me this May 16, 1989, by

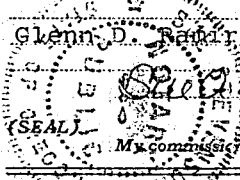
_____, 19____, by _____,

_____, president, and by _____,

_____, secretary of _____,

Glenn D. Ramirez - Successor Trustee

a _____ corporation, on behalf of the corporation.

 Steven S. Stevenson
Notary Public for Oregon

Notary Public for Oregon

(SEAL)

My commission expires: 9-20-92

My commission expires:

NOTICE OF DEFAULT AND
ELECTION TO SELL

(FORM No. 884)

STEVEN-NEES LAW PUB. CO., PORTLAND, OR.

Re: Trust Deed From

Grantor

To

Trustee

AFTER RECORDING RETURN TO

Glenn D. Ramirez
P.O. Box 368
Klamath Falls, Or. 97601

SPACE RESERVED
FOR
RECORDER'S USE


Fee \$13.00

STATE OF OREGON, _____) ss.
County of Klamath

I certify that the within instrument was received for record on the 17th day of May, 1989, at 4:19 o'clock P.M., and recorded in book/reel/volume No. M89 on page 8578 or as fee/file/instrument/microfilm/reception No. 295, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk
NAME TITLE

By  Deputy