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Vol. m89 Page 11653

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by

JOHN E. SCOGGIN and MARIAN M. SCOGGIN

ROGER. ELLINGSON

in favor of Donald P. Carner, as trustee,  
 dated January 10, 1989, recorded February 3, 1989, in the mortgage records of  
Klamath County, Oregon, in Book/roll volume No. M89 at page 2177, or as  
 fee/file/instrument/microfilm/reception No. \_\_\_\_\_ (indicate which), covering the following described real  
 property situated in said county and state, to-wit:

Starting at a point 398 feet West of the NE corner of the SE 1/4  
 of Section 13, Township 23 S, Range 9E of the Willamette Meridian,  
 Klamath County, Oregon; thence West 198 feet thence South 220 feet;  
 thence East 198 feet; thence north 220 feet to the place of the  
 beginning situate in the SE 1/4 of Section 13, Township 23S, Range 9E  
 East of the Willamette Meridian, 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:

## SEE EXHIBIT A ATTACHED HERETO

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:

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 reason-  
 able fees of trustee's attorneys.

Said sale will be held at the hour of \_\_\_\_\_ o'clock, \_\_\_\_\_ M., in accord with the standard of time established  
 by ORS 187.110 on \_\_\_\_\_, 19\_\_\_\_, at the following place: \_\_\_\_\_  
 \_\_\_\_\_ in the City of \_\_\_\_\_, County of \_\_\_\_\_  
 \_\_\_\_\_ State of Oregon, which is the hour, date and place last set for said sale.

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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

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: June 26, 1987

Trustee

Beneficiary

(State which)

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

(ORS 194.570)

STATE OF OREGON,

County of Oregon

The foregoing instrument was acknowledged before me this 26 day of June, 1987, by

Roger L. Ellingson  
Notary Public for Oregon  
(SEAL) My commission expires: 7/1/87

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

(SEAL)

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

# NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 184)

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

Re: Trust Deed From

Grantor

To

Trustee

AFTER RECORDING RETURN TO

Roger L. Ellingson  
716 NW Harriman  
Bend, OR 97701

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON,

County of \_\_\_\_\_ ss.

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_

Deputy

## EXHIBIT A

Grantors, John E. and Marian M. Scoggin have failed to maintain fire and hazard insurance as called for under paragraph four of the Trust Deed recorded in Volume M-89, Page 2177 in Klamath County Records, State of Oregon. Grantors' insurance policy number HOJH 973012 is payable to Grantors, John E. and Marian M. Scoggin, rather than the beneficiary, Donald P. Carner.

In addition, Grantors have allowed their fire and hazard insurance to lapse thereby causing Grantors to be in default under paragraph four of the Trust Deed referenced above.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Roger L. Ellingson the 29th day  
of June A.D., 19 89 at 10:06 o'clock A M., and duly recorded in Vol. M89,  
of Mortgages on Page 11653.

Evelyn Biehn County Clerk

By Pauline Nielsen

FEE \$18.00