

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by JAMES H. BAGGETT and DORA BAGGETT, husband and wife, as Grantors, to ASPEN TITLE & ESCROW, INC., an Oregon Corporation, as Trustee, in favor of DAISY MAY SHAW, as Beneficiary, dated September 6, 1988, recorded September 13, 1988, in the Mortgage Records of Klamath County, Oregon in Vol. M-88, page 14970, covering the following described real property situated in said county and state, to-wit:

See Attached Exhibit "A."

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiaries 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 situated; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the 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:

\$550 per month due on December 29, 1988, and each month thereafter, plus real estate taxes for the year 1988-89 in the amount of \$2,341.47 plus interest in the amount of \$105.39 as of June 16, 1989. Taxes for the year 1989-90 are now a lien but not yet payable.

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:

\$54,566.74 plus interest at the rate of 10 percent per annum from November 29, 1988, plus real estate taxes for the year 1988-89 in the amount of \$2,341.47 plus interest in the amount of \$105.39, as of June 16, 1989. Taxes for the year 1989-90 are now a lien but not yet payable.

Notice hereby is given that the beneficiaries 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

NOTICE OF DEFAULT
AND ELECTION TO SELL
Page -1-

Rel:
PROCTOR & FAIRCLO
ATTORNEYS AT LAW
280 MAIN STREET
KLAMATH FALLS, OREGON 97601

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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 obligation 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 10:15 A.M., as established by Section 187.110 of Oregon Revised Statutes, on December 15, 1989, at the following place: Klamath County Courthouse front steps, 316 Main Street, in the city of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place fixed by the trustee for said sale.

Other than as shown of record, neither the said beneficiaries 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.

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 which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: 7/28/89

Richard Fairbrother
Trustee

STATE OF OREGON]
County of Klamath] ss.

The foregoing instrument was acknowledged before me this 28th day of July, 1989, by RICHARD FAIRBROT, Trustee

NOTICE OF DEFAULT
AND ELECTION TO SELL
Page -2-

PROCTOR & FAIRCLO
ATTORNEYS AT LAW
280 MAIN STREET
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Notary Public for Oregon
My Commission Expires 8/3/90
LOIS E. ADOLF
NOTARY PUBLIC - OREGON
My Commission Expires 8/3/90

EXHIBIT "A"

A piece or parcel of land situate in the S 1/2 SW 1/4 of Section 30, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Commencing at the point of intersection of the section line marking the Southerly boundary of the said Section 30 with a line parallel with and 50 feet distant at right angles Southeasterly from the center line of the Klamath Falls-Midland section of the Oregon State Highway as the same is now located and constructed, from which point of intersection the Southwesterly corner of the said Section 30 bears South 89 degrees 42 1/2' West 827.1 feet, more or less, distant, and running North 36 degrees 49 1/2' East, along said parallel line 337.62 feet to the true point of beginning of this description; thence North 36 degrees 49 1/2' East, and continuing along said parallel line 200.0 feet; thence South 53 degrees 10 1/2' East 250.0 feet; thence South 36 degrees 49 1/2' West and parallel with said center line of the Klamath Falls-Midland section of the Oregon State Highway 200.0 feet; thence North 53 degrees 10 1/2' West 250.0 feet, more or less, to the said point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Proctor & Fairclo the 28th day
of July A.D., 19 89 at 11:24 o'clock AM., and duly recorded in Vol. M89,
of Mortgages on Page 13834.
Evelyn Biehn, County Clerk
By Pauline M. Mendenhall

FEE \$18.00