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ASPER 34775 Vol. M90 Page 2047

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Charles R. Moore

Mountain Title Company and Successor Trustee Robert D. Boivin, as grantor, to  
Sharon K. Friesen, as trustee,  
 in favor of Sharon K. Friesen, as beneficiary,  
 dated February 24, 1989, recorded March 3, 1989, in the mortgage records of  
Klamath County, Oregon, in book 34775 volume No. m89 at page 3720-3723, or as  
 part of instrument 97678 (indicate which), covering the following described real  
 property situated in said county and state, to-wit:

(See attached Exhibit "A" and Exhibit "B")

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: \$52.00 on October 1, 1989; \$52.00 on November 1, 1989; \$50.00 on December 1, 1989; \$52.00 on January 1, 1990; Delinquent Klamath County Taxes in the amount of \$1,340.31 plus interest.

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 sum of \$2,759.69 plus interest at the rate of 10% per annum from January 31, 1990.

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 June 13, 1990, at the following place: Klamath County Courthouse in the City of Klamath Falls, County of Klamath, 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

State of Oregon, Adult and Family  
Services Division

NATURE OF RIGHT, LIEN OR INTEREST  
Judgment recorded in Book 38, Page M,  
Line 29, Judgment Lien Docket of Klamath  
County, Oregon

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: 1-30, 1990

ROBERT D. BOIVIN, Successor Trustee

Trustee

Beneficiary

(State which)

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

STATE OF OREGON,

County of Klamath

The foregoing instrument was acknowledged before  
me this January 30, 1990, by

Robert D. Boivin

Notary Public for Oregon  
My commission expires: 10/24/92

(ORS 194.570)

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. 884)

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

Re: Trust Deed From

CHARLES MOORE

Grantor

To

Robert D. Boivin

Successor Trustee Trustee

AFTER RECORDING RETURN TO

Robert D. Boivin  
110 N. Sixth Street  
Klamath Falls, OR 97601

SPACE RESERVED  
FOR  
RECORDER'S USE

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

I certify that the within instru-  
ment 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"

## LEGAL DESCRIPTION

Lot 15 in block 17 of HILLSIDE ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

This Trust Deed is inferior and junior to the Trust Deed dated, February 3, 1986, between Ronald C. Friesen and Sharon K. Friesen, Grantor and Phil Schroeder, Personal Representative of the Estate of Gertrude Schroeder, deceased, Beneficiary, recorded in Volume MB6, page 2082 Microfilm Records of Klamath County, Oregon.

This Trust Deed is also subject to the provisions in Exhibit "B" herein attached and incorporated in this Trust Deed.

## EXHIBIT "B"

Purchaser shall provide Seller with written evidence reasonably satisfactory to Seller that all taxes and assessments have been paid when due. Purchaser shall submit this evidence by December 31st of each year.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 30th day  
of Jan. A.D., 19 90 at 10:56 o'clock AM., and duly recorded in Vol. M90,  
of Mortgages on Page 2047.

Evelyn Biehn County Clerk

FEE \$23.00

By

Pauline Muehlendorfer