

ON  
DEED OF **19010**

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by GERALD L. BROWN, as grantor, toBEND TITLE COMPANY, original trustee, then C. E. FRANCIS, successor trustee, as trustee,in favor of NORMAN HOFFMAN and MAVIS L. HOFFMAN, as beneficiary,dated October 5, 1989, recorded October 9, 1989, in the mortgage records ofKlamath County, Oregon, in book 1001/100, at page 100, or asfee title instrument/microfilm/reception No. M89, Page 19030 (indicate which), covering the following described real property situated in said county and state, to-wit:

Lot 8, Block 5, RIVER PINE ESTATES, according to the official plat thereof on file in the office of the County Clerk 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:

Failure to make payment in the amount of EIGHT HUNDRED SEVENTY AND 38/100 DOLLARS (\$870.38) due March 10, 1990, and a like payment the 10th day of every month thereafter.

Failure to pay the 1989-90 taxes in the amount of TWO HUNDRED FIFTY-FOUR AND 21/100 DOLLARS (\$254.21) plus interest thereon.

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 principal sum of SIX THOUSAND EIGHT HUNDRED EIGHTY AND NO/100 DOLLARS (\$6,880.00) plus interest at the rate of \$1.8849 per diem from February 10, 1990, forward.

Taxes for 1989-90 in the amount of TWO HUNDRED FIFTY-FOUR AND 21/100 DOLLARS (\$254.21) plus interest thereon.

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 grantor of the trust deed, together with any interest the grantor or grantor's 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 two o'clock, P.M., in accord with the standard of time established by ORS 187.110 on December 19, 1990, at the following place: front entrance of the  
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.

70233

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 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 August 16, 1990

C. E. FRANCIS

Trustee

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

STATE OF OREGON,

County of Deschutes

This instrument was acknowledged before me on August 16, 1990, by C. E. FRANCIS

*Ruth Montgomery*  
Notary Public for Oregon

(SEAL)

My commission expires: 7-24-93

STATE OF OREGON,

County of

This instrument was acknowledged before me on 19, by

as

of

Notary Public for Oregon

My commission expires:

(SEAL)

# NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

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

## Re: Trust Deed From

GERALD L. BROWN

Grantor

To NORMAN HOFFMAN and

MAVIS HOFFMAN

Trustee

AFTER RECORDING RETURN TO

FRANCIS & MARTIN  
1199 NW WALL STREET  
BEND OR 97701

Fee \$13.00

STATE OF OREGON,

County of Klamath

ss.

I certify that the within instrument was received for record on the 17th day of Aug., 1990, at 10:42 o'clock A.M., and recorded in book/reel/volume No. M90 on page 16538 or as fee/file/instrument/microfilm/reception No. 19010, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

NAME

TITLE

By *Pauline Mullendare* Deputy