

ON

22824

ASPEN 35401

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27510

## NOTICE OF DEFAULT AND ELECTION TO SELL

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Reference is made to that certain trust deed made by Gary T. Whittle

Transamerica Title Insurance Company, as grantor, to  
 Equitable Savings and Loan Association, as trustee,  
 in favor of Equitable Savings and Loan Association, as beneficiary,  
 dated February 8, 1978, recorded February 22, 1978, in the mortgage records of  
 Klamath County, Oregon, in book 100, page M-78 at page 3321, or  
 (indicate which), covering the following described real  
 property situated in said county and state, to-wit:

The South <sup>80</sup> feet of Lots 604 and 605, Block 103, MILLS ADDITION TO THE CITY OF  
 KLAMATH FALLS, in the County of Klamath, State of Oregon.

Property Address: 830 East Main Street, Klamath Falls, Oregon 97601

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:  
 monthly payments of \$277.66 beginning 4-1-90 to 11-1-90; plus late charges of \$11.86 each month beginning 11-16-90; plus prior accrued late charges of \$106.74; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

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:  
 \$15,702.45 with interest thereon at the rate of 9.75 percent per annum beginning 3-1-90 until paid; plus late charges of \$11.86 each month beginning 11-16-90 until paid; plus prior accrued late charges of \$106.74; plus escrow advances of \$151.59; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

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 10:00 o'clock, AM., in accord with the standard of time established by ORS 187.110 on March 27, 1991, at the following place: inside door to main lobby 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.

90 NOV 20 PM 3 29

91 MAR 20 PM 3 17

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.

*David E. Fennell*

DATED: November 15, 1990

David E. Fennell

Trustee

~~XXXXXX~~

(state which)

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

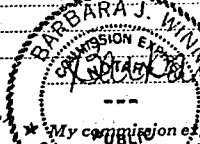
STATE OF ~~WASHINGTON~~ Washington

County of King

ss.

This instrument was acknowledged before me on November 15, 1990, by

David E. Fennell



Notary Public for Oregon

(SEAL) My commission expires: 7/1/92

STATE OF OREGON,

County of

ss.

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

Whittle/Lunde

Grantor

To

Fennell

Trustee

AFTER RECORDING RETURN TO

Kim Roust

PRESTON THORGRIMSON SHIDLER GILES & ELLIS  
5400 Columbia Center, 701 5th Avenue  
Seattle, Washington 98104

Fee \$13.00

STATE OF OREGON,

County of Klamath

ss.

I certify that the within instrument was received for record on the 20th day of Nov., 1990, at 3:29 o'clock P.M., and recorded in book/reel/volume No. M90 on page 23253 or as fee/file/instrument/microfilm/reception No. 22824, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

NAME

TITLE

By *Pauline Mueller* Deputy

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 28th day of March A.D., 19 91 at 3:17 o'clock P.M., and duly recorded in Vol. M91 of Mortgages on Page 5557

Evelyn Biehn, County Clerk

By *Pauline Mueller*

FEE \$10.00