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31041

MTC 25613 Vol. 99 Page 12012

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by ROBERT GRAY and DINA HAMPTON, as grantor, to BEND TITLE COMPANY, as trustee, in favor of JOHN W. GARRETT and MARIE D. GARRETT, as beneficiary, dated October 22, 1990, recorded October 24, 1990, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M90 at page 21417, or as fee/file/instrument/microfilm/reception No. _____ (indicate which), covering the following described real property situated in said county and state, to-wit:

AS ATTACHED HERETO MARKED EXHIBIT "A"

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: The 1990-91 real property taxes in the sum of \$932.58, plus interest; monthly installments of \$403.07 each commencing with the payment due April 24, 1991 and continuing each month until the trust deed is reinstated or goes to Trustee's sale; plus all fees, costs and expenses associated with this foreclosure; all sums expended by beneficiary to protect the property or its interest therein during the pendency of this proceeding.

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 \$32,116.50 with interest thereon at the rate of 10% per annum from March 11, 1991 until paid; plus all fees, costs and expenses associated with this foreclosure; all sums expended by beneficiary to protect the property or its interest therein during the pendency of this proceeding.

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 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on November 15, 1991, at the following place: The courthouse steps 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.

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 19, 1991

Successor: Trustee

Beneficiary

(State which)

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

(ORS 194.570)

STATE OF OREGON, County of } ss.

County of Clackamas } ss.
 The foregoing instrument was acknowledged before me this June 19, 1991, by William D. McDonald

The foregoing instrument was acknowledged before me this _____, 19____, by _____, president, and by _____, secretary of _____

a _____ corporation, on behalf of the corporation.

(SEAL) Notary Public for Oregon
 My commission expires: 10/21/91

Notary Public for Oregon (SEAL)
 My commission expires:

NOTICE OF DEFAULT AND ELECTION TO SELL
 (FORM No. 884)

Re: Trust Deed From

Robert Gray & Dina Hampton

Grantor

To Bend Title Co.

Trustee

AFTER RECORDING RETURN TO
 William D. McDonald
 Attorney at Law
 10851 SE Main St.
 Milwaukie, OR 97222

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"

PARCEL 1:

Beginning at the Southwest corner of Lot 1, Block 1, PINNEY'S ACRES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, said point being a 5/8 inch iron rod; thence North 40 degrees 38' 35" East, 311.99 feet to a 5/8 inch iron rod, being the true point of beginning; thence along the arc of a 485.00 foot radius curve to the left, 192.21 feet to a 5/8 inch iron rod, (the long chord of said curve bears North 29 degrees 17' 23" East, 190.96 feet); thence North 17 degrees 56' 10" East, 197.81 feet to a 5/8 inch iron rod on the North line of said Lot 1; thence South 89 degrees 20' 00" East along said North line of Lot 1, 286.90 feet to a 5/8 inch iron rod; thence South 00 degrees 39' 00" West, 335.04 feet to a 5/8 inch iron rod; thence along the arc of a 207.78 foot radius curve to the left 96.03 feet to a 5/8 inch iron rod (the long chord of said curve bears South 42 degrees 39' 51" West, 95.18 feet); thence South 89 degrees 21' 15" East 265.84 feet to a 5/8 inch iron rod; thence North 00 degrees 38' 45" East 49.39 feet to a 5/8 inch iron rod; thence South 89 degrees 21' 15" East 107.50 feet to the point of beginning.

PARCEL 2:

Beginning at the Southwest corner of Lot 1, Block 1, PINNEY'S ACRES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, said point being a 5/8 inch iron rod; thence North 40 degrees 38' 35" East, 311.99 feet to a 5/8 inch iron rod; thence along the arc of a 485.00 foot radius curve to the left, 192.21 feet to a 5/8 inch iron rod, (the long chord of said curve bears North 29 degrees 17' 23" East, 190.96 feet); thence North 17 degrees 56' 10" East, 197.81 feet to a 5/8 inch iron rod on the North line of said Lot 1; thence North 89 degrees 20' 00" West along said North line of Lot 1, 128.97 feet to the Northwest corner of Lot 1, lying on the East line of U.S. Highway 97; thence North 23 degrees 57' East, 32.3 feet along the East line of said Highway 97 to a 5/8 inch iron rod; thence North 21 degrees 45' 21" East along said East line of Highway 97, 431.16 feet to a 5/8 inch iron rod; thence North 18 degrees 48' 08" East, 235.95 feet along said East line of Highway 97, to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co. the 24th day
of June A.D., 19 91 at 11:31 o'clock A.M., and duly recorded in Vol. M91
of Mortgages on Page 12012.

FEE \$18.00

Evelyn Biehn County Clerk

By Pauline Musten