

34505

ASPEN 04037319

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NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by DANIEL S. SCHOENTHALERASPEN TITLE & ESCROW, INC.

in favor of IRWIN O. CONE AND GWENDOLYN M. CONE, HUSBAND AND WIFE, as grantor, to
 dated July 18, 1990, recorded August 27, 1990, as trustee,
Klamath County, Oregon, in book/trust deed No. M-90, 1990, in the mortgage records of
 the county, covering the following described real property situated in said county and state, to-wit:

Lot 10, Block 3, Tract No. 1065, IRISH BEND, in the County of
Klamath, State of Oregon

CODE 138 MAP 3507-20BA TL 2400

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.

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 installments of principal and interest due for the month of December of 1990, and January, February, March, April, May, June, July, and August of 1991 in the amounts of \$74.36 each; and subsequent installments of like amounts; subsequent amounts for assessments due under the terms and provisions of the Note and Trust Deed.

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:
 \$3,342.52 plus interest and late charges, thereon from November 21, 1990
 at the rate of TEN (10) PER CENT PER ANNUM until paid and all sums expended
 by the Beneficiary pursuant to the terms and provisions of the Note and Trust Deed.

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 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 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., Standard Time as established by Section 187.110 of Oregon Revised Statutes on January 22, 1992, at the following place:
Aspen Title & Escrow, Inc., 525 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.

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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

NATURE OF RIGHT, LIEN OR INTEREST

NONE

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

DATED: August 30, 1991, 19

ASPEN TITLE & ESCROW, INC.

BY: Andrew A. Patterson

Trustee

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

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

(ORS 194.570)

STATE OF OREGON,

) ss.

County of

The foregoing instrument was acknowledged before me this 30th day of August, 1991, by

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this August 30, 1991, by Andrew A. Patterson

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Assistant Secretary of

ASPEN TITLE & ESCROW, INC.

Oregon

corporation, on behalf of the corporation.

Notary Public for Oregon

(SEAL)

Notary Public for Oregon

My commission expires:

My commission expires: 7/23/93

(SEAL)

NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

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

Re: Trust Deed From

Daniel S. Schoenthaler

Grantor

To

Aspen Title & Escrow, Inc.

Trustee

AFTER RECORDING RETURN TO

Aspen Title & Escrow, Inc.

525 Main Street

Klamath Falls, OR 97601

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, County of Klamath) ss.

I certify that the within instrument was received for record on the 12th day of Sept., 1991 at 10:50 o'clock A.M., and recorded in book/reel/volume No. M91 on page 1837A, or as fee/file/instrument/microfilm/reception No. 34505, Record of Mortgages of said County.

Witness my hand and seal of County attixed.

Evelyn Biehn, County Clerk

NAME

TITLE

By David M. Muehleisen Deputy

Fee \$13.00