

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by DAVID M. MILLER and SHEILA R. MILLER, as grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as trustee, in favor of CHARLES H. KREIGER and MABLE M. KREIGER, as beneficiary, dated May 15, 1990, recorded June 1, 1990, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M90 at page 10626, covering the following described real property situated in said county and state, to-wit:

A portion of the NE $\frac{1}{4}$ lying East of the Dalles-California Highway in Section 28, Township 34 South, Range 7 East of the Willamette Meridian, 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.

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:

Taxes from 1990-1991 in the amount of \$450.17 plus interest which is due and owing.

Payments of \$350.00 from December 1990 until present.

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: \$35,381.50 plus interest.

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 compensation of the trustee as provided by law, and the reasonable fees of trustee's attorney.

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 February 3, 1992, at the following place: 123 N. 4th Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place fixed by the trustee of said sale.

Other than as shown of record, neither the said beneficiary or 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

Clough Oil Company
977 Spring St
Klamath Falls, Oregon 97601

Internal Revenue Service
PO Box 3550
Portland, Or 97208

Internal Revenue Service
PO Box 3550
Portland, Or 97208

Internal Revenue Service
PO Box 3550
Portland, Or 97208

State of Oregon, Employment Division
Department of Human Resources
Salem, Or 97311

State of Oregon, Department of Revenue
PO Box 14725

NATURE OF RIGHT, LIEN OR INTEREST

Judgment in the amount of \$119.67 plus costs dated November 28, 1990.

Federal Tax Lien issued by the Internal Revenue District for Portland, recorded March 11, 1991 with the Klamath County Clerk, Serial No. 939103863 in the amount of \$72,826.41, Debtor: Shianne Logging Incorporated.

Federal Tax Lien issued by the Internal Revenue District for Portland, recorded March 11, 1991 with the Klamath County Clerk, Serial No. 939104472 in the amount of \$26,430.84, Debtor: Shianne Logging Incorporated.

Federal Tax Lien issued by the Internal Revenue District for Portland, recorded April 22, 1991 with the Klamath County Clerk, Serial No. 939107469, in the amount of \$13,097.32, Debtor: David M. & Sheila R. Miller

State Tax Warrant entered April 22, 1991 with the Klamath County Clerk, No. 35109, in the Amount of \$6,177.50.

State Tax Warrant entered April 23, 1991, Warrant No. DW-90-183811, in the amount of \$1,752.08.

91 SEP 22 AM 11 50

State of Oregon, Department of Revenue
PO Box 14725
Salem, Or 97309-5018

Internal Revenue Service
PO Box 3550
Portland, Or 97208

Industrial Finance Co.
PO Box 407
Eugene, Or 97440

South Valley State Bank
5215 S. 6th Street
Klamath Falls, Or 97603

State Tax Warrant entered April 23, 1991, Warrant No. DI-82-197116, in the amount of \$5,758.68.

Federal Tax Lien issued by the Internal Revenue District for Portland, recorded June 11, 1991, Serial No. 939110252, in the amount of \$768.46, Debtor: David Miller

Lien Record Abstract recorded September 29, 1991 in the amount of \$184,428.58.

Judgment, Case No. 91-00776CV, entered August 19, 1991
in the amount of \$15,248.82.

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 a trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said Section 86.753 of Oregon Revised Statutes.

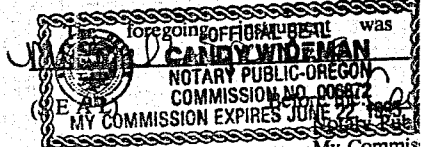
In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: 9/25, 1991

Successor Trustee

STATE OF OREGON, County of Klamath) s.

Acknowledged before me this 25th day of September, 1990, by



My Commissioner Expires: 6-22-95

**NOTICE OF DEFAULT AND
ELECTION TO SELL**

STATE OF OREGON, County of Klamath)ss.

I certify that the within instrument received for record on the 25th day of Sept., 1991, at 1:50 o'clock M., and recorded in book/reel/ volume No. 191 on page 1945 or as fee/file/instrument/microfilm/reception No. 35112 Recorded of Deeds of said County.
Mortgages

RE: Trust Deed from
DAVID M & SHEILA R. MILLER

Grantor

Witness my hand and seal of County affixed.

to

MOUNTAIN TITLE COMPANY
OF KLAMATH COUNTY
Trustee

Evelyn Biehn, County Clerk
Name Title
By Julius M. Mink Deputy

Fee \$13.00

AFTER RECORDING RETURN TO:

Kosta & Spencer
123 N. 4th Street
Klamath Falls, OR 97601