

42732

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## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by FRED W. HAWTREY & MARCELLA J. HAWTREY, as grantors, to SCOTT D. MACARTHUR, as successor trustee, in favor of DOROTHY B. MARSROW, as beneficiary, dated November 1, 1988, recorded November 1, 1988, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M88 at page 18515, covering the following described real property situated in said county and state, to-wit:

Lot 51 in Block 3, Tract 1064, First Addition to Gatewood, 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.

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 1991-1992 in the amount of \$1,636.88 plus interest which is due and owing.  
Taxes from 1990-1991 in the amount of \$906.74 plus interest which is due and owing.

Payment of \$416.22 from January 1992, and from March 1992 to present;

All obligations secured by the Trust Deed due to the conveyance by Grantors of their entire interest without having obtained the written consent or approval of the Beneficiary to-wit \$48,445.36 as of February 25, 1992, plus interest.

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: \$50,987.98 as of February 25, 1992 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 August 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:

NATURE OF RIGHT, LIEN OR INTEREST

## NAME AND LAST KNOWN ADDRESS

Fred W. HawtreY & Marcella J. HawtreY  
Trustees of the HawtreY Family Trust UAD June 13, 1991  
25th Street East 101  
Palmdale, CA 93550

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.

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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: March 27, 1992.

Scott D. MacArthur

STATE OF OREGON, County of Klamath)ss.

The foregoing instrument was acknowledged before me this 27 day of March, 1992 by Scott D. MacArthur.



OFFICIAL SEAL  
CANDY WIDEMAN  
NOTARY PUBLIC-OREGON  
COMMISSION NO. 006872  
NOTARY PUBLIC-OREGON EXPIRES APRIL 22, 1995

Evelyn Biehn  
Notary Public for Oregon  
Commission Expires: 10-22-95

STATE OF OREGON, County of Klamath)ss.

RE: Trust Deed from  
Fred W. & Marcella J. Hawtrey

I certify that the within instrument received for record on the 27th day of March, 1992, at 2:26 o'clock P.M., and recorded in book/reel/ volume No 192 on page 6399 or as fee/file/instrument/microfilm/reception No 42732 Recorded of Deeds of said County.  
Mortgages

Grantor

Witness my hand and seal of County affixed.

to

Dorothy B. Marsrow

Evelyn Biehn, County Clerk  
Name Title  
By Pauline M. Muelender Deputy

AFTER RECORDING RETURN TO:

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

Fee \$15.00