

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by CAROL MARCUS, as grantor, to SCOTT D. MACARTHUR, as successor trustee, in favor of ROBERT F. PENNY AND BARBARA N. PENNY, as beneficiary, dated May 8, 1989, recorded May 9, 1989, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M89 at page 7929, covering the following described real property situated in said county and state, to-wit:

That portion of Lot 29, Section 14, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point 30 feet North and 992.5 feet East of the Southwest Corner of Lot 29, Section 14, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon; thence East on a line parallel with the South line of the said Lot 29, 209 feet; thence North 209 feet; thence West 209 feet; thence South 209 feet to the place of beginning.

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 \$388.46 plus interest which is due and owing.

Taxes from 1990-1991 in the amount of \$311.74 plus interest which is due and owing.

Payment of \$300.00 from September 1990, December 1990 until February 1991, and 1/2 payment from April 1991 less an extra payment made in June 1991, and from March 1992 to 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: \$19,682.09 as of April 7, 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 October 5, 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

NATURE OF RIGHT, LIEN OR INTEREST

Carol Marcus
P.O. Box 5923
San Diego, Ca. 92165

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: June 1, 1992

Scott D. MacArthur

STATE OF OREGON, County of Klamath)ss.

The foregoing instrument was acknowledged before me this 1st day of June, 1992 by Scott D. MacArthur.

(SEAL)

Before me: Camille Kruger
Notary Public for Oregon
My Commissioner Expires: 7-22-92

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ELECTION TO SELL

STATE OF OREGON, County of Klamath)ss.

RE: Trust Deed from

Carol Marcus No. 45560, Recorded of Deeds of said County.

I certify that the within instrument received for record on the 1st day of June, 1992, at 3:44 o'clock P. M., and recorded in book/reel/ volume No. 92 on page 1804 or as fee/file/instrument/microfilm/reception

Grantor

Witness my hand and seal of County affixed.

to

Robert F. Penny and Barbara
N. Penny

Evelyn Biehn, County Clerk
Name Title
By Caroline Muthers Deputy

AFTER RECORDING RETURN TO:

Fee \$15.00

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