

51736

K-44444

NOTICE OF DEFAULT AND FORFEITURE

Seller under the Contract described below declares Purchaser is in default for the reasons set forth herein under ORS 93.905 through 93.945.

1. DESCRIPTION OF CONTRACT:

(A) PURCHASER: Takao Shimamura
 (B) SELLER: THE BANK OF CALIFORNIA, N.A., as Trustee
 (C) CONTRACT RECORDED: 12-3-82, Vol. M82, Page 16920, Deed of records of Klamath County, dated 7-17-81
 (D) AMOUNT AND TERMS OF CONTRACT: \$12,000.00. \$4,000.00 down, balance of \$8,000.00 at \$101.35 per month starting 9-15-81 until paid including 9% interest per annum.
 (E) PROPERTY COVERED BY CONTRACT: Lots 5 & 6 in Block 16, Mt. Scott Meadows Subdivision, Tract 1027, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.
 Together with all improvements on said real property presently existing or which may be hereafter added to said real property.

2. NATURE AND AMOUNT OF DEFAULT: Failure to pay: (A) 75 regular monthly payments at \$101.35 per month for a total past due of \$7,601.25, plus (B) Real property taxes advanced by seller in the sum of \$1,874.02 (C) plus interest to date of payment.

3. SUM OWING ON OBLIGATION: Principal balance of \$5,778.70 with interest at 9% percent per annum from 5-9-85, plus taxes, attorney fees, and foreclosure costs.

4. DATE AFTER WHICH CONTRACT FORFEITED IF DEFAULT NOT CURED: 1-13-93
 Unless the default is cured as set forth in paragraph 5 of this Notice, after 1-13-93 the Purchaser and all persons claiming through the Purchaser shall have no further rights in the contract on the property and no person shall have any right to redeem the property; and all sums previously paid under the contract by or on behalf of the Purchaser shall belong to and be retained by the Seller or other person to whom paid.

5. CURE OF DEFAULT TO AVOID FORFEITURE:
 Notice is given that forfeiture may be avoided under the Contract by curing the default(s) by payment of the entire amount due, other than such portion of principal as would not then be due had no default occurred, and tendering performance of other obligations in default, together with costs and expenses actually incurred in enforcing the contract on or before 1-13-93. AMOUNT TO CURE: \$10,105.27, plus interest until paid.

6. NAME AND ADDRESS OF SELLER'S ATTORNEY:
 James R. Uerlings, BOIVIN, JONES, UERLINGS & DIACONI, Attorneys
 110 N. Sixth Street
 Klamath Falls, OR 97601 (503)884-8101

A copy of this Notice, together with an Affidavit of Mailing shall be recorded.

STATE OF OREGON

County of Klamath

On this 1st day of Oct. 1992, personally appeared before me the above named JAMES R. UERLINGS and acknowledged the above to be his voluntary act and deed.

Shirley F. Hamel
 NOTARY PUBLIC FOR OREGON
 My Commission Expires: 9-10-93

PROOF OF MAILING NOTICE OF DEFAULT AND FORFEITURE OF CONTRACT

STATE OF OREGON)
 COUNTY OF KLAMATH) ss

I, James R. Uerlings, being first duly sworn, depose and say: That I am the attorney for The Bank of California, N.A., Seller under a Contract between said parties, The Bank of California, N.A., as Trustee, and Takao Shimamura, as buyer. The contract was recorded 12-3-82, in Volume M82, Page 16920, Deed Records, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

Lots 5 & 6 in Block 16, Mt. Scott Meadows Subdivision, Tract 1027, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.
 Together with all improvements on said real property presently existing or which may be hereafter added to said real property.
 I hereby certify that I mailed by first class mail and by certified mail, return receipt requested a copy of the attached NOTICE OF DEFAULT AND FORFEITURE to the persons listed below, on the date and to the address indicated which was the last known address to the Seller, by placing said NOTICE in a sealed envelope with postage fully paid thereon, and depositing the same in the United States Mail.

Takao Shimamura
 3-5-2 Kakinokizaka, Meguro-Ku
 Tokyo, Japan 104

Dated this 1st day of Oct. 1992.

JAMES R. UERLINGS

SUBSCRIBED and SWORN to before me this 1st day of Oct. 1992.

Shirley F. Hamel
 NOTARY PUBLIC FOR OREGON
 My commission expires: 9-10-93

AFTER RECORDING RETURN TO:
 James R. Uerlings
 110 N. 6th St.
 Klamath Falls, OR 97601

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title co. the 1st day of Oct. 1992 at 1:32 o'clock PM., and duly recorded in Vol. M92 of Deeds on Page 22963.

Evelyn Biehn - County Clerk

By Pauline Mulvaney

FEE \$10.00