

51743

K-44456

## NOTICE OF DEFAULT AND FORFEITURE

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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: Robert A. Towne  
 (B) SELLER: THE BANK OF CALIFORNIA, N.A., as Trustee  
 (C) CONTRACT RECORDED: 12-27-82, vol. M82, Page 18319, Deed of records of Klamath County, dated 9-17-82  
 (D) AMOUNT AND TERMS OF CONTRACT: \$12,000.00. \$500.00 down, balance of \$11,500.00 at \$165.00 per month starting 12-5-82 until paid including 12% interest per annum.  
 (E) PROPERTY COVERED BY CONTRACT: Lots 19 & 20 in Block 24, 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.

2. NATURE AND AMOUNT OF DEFAULT: Failure to pay: (A) 82 regular monthly payments at \$165.00 per month for a total past due of \$13,530.00, plus (B) Real property taxes advanced by seller in the sum of \$2,077.81 (C) plus interest to date of payment (D) plus payments due after 9-5-92.

3. SUM OWING ON OBLIGATION: Principal balance of \$9,499.39 plus interest at 12% percent per annum from 12-26-85, 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: \$16,257.81, plus interest until paid, and payments due after 9-5-92.

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.

*James R. Uerlings*  
 JAMES R. UERLINGS OSB #76030  
 Attorney for Seller

STATE OF OREGON

County of Klamath

ss.

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. Hamill*  
 NOTARY PUBLIC FOR OREGON  
 My Commission Expires: 9-10-92

## PROOF OF MAILING NOTICE OF DEFAULT AND FORFEITURE OF CONTRACT

STATE OF OREGON  
 COUNTY OF KLAMATH

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 Robert A. Towne, as buyer. The contract was recorded 12-27-82, in Volume M82, Page 18319, Deed Records, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:  
 Lots 19 & 20 in Block 24, 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.

Robert A. Towne  
 178 Hartford Ave.  
 Vacaville, CA 95687

Dated this 1st day of Oct, 1992.

*James R. Uerlings*  
 JAMES R. UERLINGS

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

*Shirley F. Hamill*  
 NOTARY PUBLIC FOR OREGON  
 My commission expires: 9-10-92

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. A.D., 19 92 at 1:32 o'clock P M., and duly recorded in Vol. M92 of deeds on Page 22970.

Evelyn Biehn  
 By *Evelyn Biehn* County Clerk

FEE \$10.00