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## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Christopher A. Newton

Aspen Title and Escrow, Inc. \_\_\_\_\_, as grantor, to  
 in favor of Edgar H. Viets and Neva I. Viets \_\_\_\_\_, as trustee,  
 dated September 17, 1990, recorded September 24, 1990, in the mortgage records of  
 Klamath County, Oregon, in book/reel/volume No. M90 at page 19223 ~~XXXX~~  
 fee/file/instrument/microfilm/reception No. \_\_\_\_\_ (indicate which), covering the following described real  
 property situated in the above-mentioned county and state, to-wit:

See Exhibit "A" attached hereto.

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 situated, further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by the grantor or other person owing an obligation, the performance of which is secured by the trust deed, or by the 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:

\$1491.50 - Default payments on Installment Note  
 \$642.74 - Unpaid taxes  
 \$147.00 - Sanitary District Assessment

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

\$94,096.62

— OVER —

NOTICE OF DEFAULT  
AND ELECTION TO SELL

Re: Trust Deed from

Christopher A. Newton

Grantor

TO

Aspen Title and Escrow, Inc.

Trustee

After recording return to (Name, Address, Zip):

Michael Polsan, Attny at Law  
 514 Walnut Avenue  
 Klamath Falls, OR 97601

SPACE RESERVED  
 FOR  
 RECORDER'S USE

STATE OF OREGON, } ss.  
 County of \_\_\_\_\_

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_, Deputy

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Notice hereby is given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which the grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest the grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The sale will be held at the hour of 10 o'clock, AM, in accord with the standard of time established by ORS 187.110 on July 9, 1993, at the following place: The front steps of the Klamath County Courthouse, 316 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

Other than as shown of record, neither the beneficiary nor the 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

Andy and Joan Ashley  
1639 Shady Dell Rd.  
MacDoel, CA 96058  
and/or

## NATURE OF RIGHT, LIEN OR INTEREST

Successor in Interest

230 Shell Blvd.  
Elk City, OK 73644

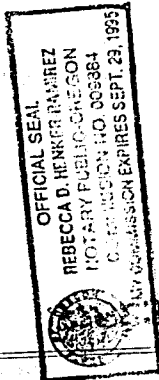
Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion 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 the 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 ORS 86.753.

In construing this notice, 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED February 24, 1993.

Edgar K Nieto  
Yvona Nieto  
Trustee Beneficiary (state which)

STATE OF OREGON, County of Klamath ss.  
This instrument was acknowledged before me on Feb 23, 1993,  
by \_\_\_\_\_, 19\_\_\_\_,  
This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_,  
by \_\_\_\_\_,  
as \_\_\_\_\_,  
of \_\_\_\_\_.



Rebecca D. Henkel - Ganning  
Notary Public for Oregon  
My commission expires 9-29-95

## NOTICE OF DEFAULT AND ELECTION TO SELL

## EXHIBIT "A"

A parcel of land lying in the SE 1/4 of the NW 1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point which bears South 88 degrees 05' West a distance of 20.4 feet and North 0 degrees 59' West a distance of 560 feet and South 89 degrees 25' West a distance of 30 feet and North 0 degrees 59' West a distance of 76 feet from the iron pin in the Dalles California Highway which marks the center of Section 2, Township 39 South, Range 9 East of the Willamette Meridian and running thence South 89 degrees 25' West parallel to the most Southerly line of Pleasant Home Tracts a distance of 215.5 feet to a point; thence North 0 degrees 59' West parallel to the center line of Wiard Street a distance of 81.6 feet, more or less, to a point which is on the Southerly line of Pleasant Home Tracts; thence North 89 degrees 25' East along the said Southerly line of Pleasant Home Tracts a distance of 215.5 feet, more or less, to an iron pin which marks the Southeasterly corner of Lot 1 Pleasant Home Tracts, and which point is 30 feet South 89 degrees 25' West from the centerline of Wiard Street; thence South 0 degrees 59' East parallel to the centerline of Wiard Street a distance of 81.6 feet, more or less, to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Michael Polson the 23rd day  
of Feb. A.D., 19 93 at 3:45 o'clock P.M., and duly recorded in Vol. M93  
of Mortgages on Page 3790.  
By Evelyn Biehn County Clerk  
Pauline M. Biehn

FEE \$20.00  
cc's 6.00