

65121

07-23-93P03:48 RCVD

Vol. m93 Page 18062

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from Randy R. Scott and Susan J. Scott, husband and wife, Grantor's
TO Warren H. Byers, Beneficiary

AFTER RECORDING RETURN TO:
Kosta, Spencer & MacArthur
439 Pine Street
Klamath Falls, OR 97601

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by RANDY R. SCOTT and SUSAN J. SCOTT, husband and wife, as grantor's, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as trustee, in favor of WARREN H. Byers, as beneficiary, dated August 22, 1991, recorded September 11, 1991, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M91 at page 18298, covering the following described real property situated in said county and state, to-wit:

See Exhibit "A" attached

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:

Payments totaling the amount of \$3,728.76 from January 1993 through the 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: \$156,114.04 as of July 22, 1993, 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 case 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 November 29, 1993, at the following place: 439 Pine 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

Randy R. Scott
2167 Kiln
Klamath Falls, OR 97601

Susan R. Scott
2167 Kiln
Klamath Falls, OR 97601

NATURE OF RIGHT, LIEN OR INTEREST

Default on Trust Deed

Default on Trust Deed

ck
25.00

Wilfred E Brazil
522 Van Ness
Klamath Falls, OR 97601

Donna J. Brazil
522 Van Ness
Klamath Falls, OR 97601

Interest in Parcel 2
Secured by Trust Deed

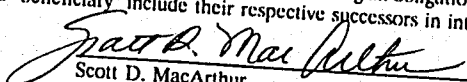
18063

Interest in Parcel 2
Secured by Trust Deed

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.

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.

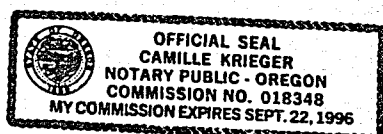
DATED: July 23, 1993.


Scott D. MacArthur
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 23rd day of July, 1993, by Scott D. MacArthur.

(S E A L)



Before me: Camille Krieger
Notary Public for Oregon
My Commission Expires: 9-22-96

STATE OF OREGON, County of Klamath)ss.

I certify that the within instrument 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. ____, Recorded of Deeds of said County.

Witness my hand and seal of County affixed.

Name _____ Title _____
By _____ Deputy

EXHIBIT "A" **LEGAL DESCRIPTION**

The NE1/4, S1/2 NW1/4, NE1/4 SW1/4, SE1/4 of Section 22, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING that part of Section 22 lying Southeasterly of Highway and also EXCEPTING the following:

Beginning at the quarter section corner between Sections 22 and 27, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon; thence East 327 feet; thence North 54 degrees West, 400 feet; thence South to the point of beginning.

ALSO SAVING AND EXCEPTING a tract of land lying within the SE1/4 NE1/4 and the NE1/4 SE1/4 of Section 22, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon; said tract being particularly described as follows:

Beginning at the 1/4 section corner common to Sections 22 and 23, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon; thence South along the section line a distance of 409.3 feet to a point on the Northerly right of way boundary of the Klamath Falls-Ashland Highway (Oregon 66); thence South 39 degrees 17' West a distance of 174.4 feet along said right of way to an angle point of same; thence South 40 degrees 06' West a distance of 254 feet along same right of way to a point; thence South 39 degrees 31' West along said right of way boundary, a distance of 428.7 feet to a 3/4" galvanized iron pipe; thence leaving said highway and bearing North 14 degrees 44' West a distance of 2441.9 feet to a 3/4" galvanized iron pipe set in an old existing fence line; thence North 89 degrees 25' 45" East along said fence line a distance of 1168.7 feet to a point on the section line marked with a 3/4" galvanized iron pipe; thence South along the said section line a distance of 1303.0 feet, more or less to the point of beginning.

ALSO EXCEPTING THEREFROM:

Parcel 2 of Partition 55-91 located in the NE 1/4 of Section 22, Township 39 South, Range 8 East of the Willamette Meridian, of Klamath County, Oregon, as filed with the Klamath County Surveyors Office, being more particularly described as follows:

Beginning at the N 1/4 corner of said Section 22, thence N 89 degrees 53' 53" E, along the North line of said section, a distance of 1155.35 feet to the Northwest corner of Parcel 3 of said partition; thence leaving said North line S 10 degrees 16' 48" W along the west line of said Parcel 3, a distance of 1349.15 feet to a point on the South line of the N 1/2 NE 1/4 of said section; thence S 89 degrees 54' 50" W, along said South line, a distance of 907.50 feet to the center North 1/16 of said section; thence N 00 degrees 18' 20" W along the centerline of said section, a distance of 1326.82 feet to the point of beginning.

- Continued -

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1 - Continued -

ALSO EXCEPTING:

Parcel 3 of Partition 55-91 located in the NE1/4 of Section 22, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Northeast corner of said Section 22, marked by a 5/8" rebar; thence South 89 degrees 53' 53" West, along the North Line of said Section, a distance of 1538.89 feet; thence leaving said North line, South 10 degrees 16' 48" West, a distance of 1349.15 feet; thence South 85 degrees 23' 32" East, a distance of 435.13 feet; thence North 88 degrees 05' 54" East, a distance of 192.93 feet; thence North 89 degrees 36' 07" East, a distance of 1148.20 feet to a point on the East line of said section; thence North 00 degrees 12' 35" East, along the East line of said Section, a distance of 1350.81 feet to the point of beginning.

PARCEL 2

Parcel 3 of Partition 55-91 located in the NE1/4 of Section 22, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Northeast corner of said Section 22, marked by a 5/8" rebar; thence South 89 degrees 53' 53" West, along the North Line of said Section, a distance of 1538.89 feet; thence leaving said North line, South 10 degrees 16' 48" West, a distance of 1349.15 feet; thence South 85 degrees 23' 32" East, a distance of 435.13 feet; thence North 88 degrees 05' 54" East, a distance of 192.93 feet; thence North 89 degrees 36' 07" East, a distance of 1148.20 feet to a point on the East line of said section; thence North 00 degrees 12' 35" East, along the East line of said Section, a distance of 1350.81 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying within the NW1/4 NE1/4 of Section 22, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

* * * End of Legal Description * * *

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ day
of July A.D., 19 93 at 3:48 o'clock P M., and duly recorded in Vol. M93
of _____ Deeds _____ on Page 18062.

FEE \$45.00

Evelyn Biehn County Clerk

By Debra M. Biehn