

74893

FORM No. 88—NOTICE OF DEFAULT AND ELECTION TO SELL—Oregon Trust Deed Series

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AFTER RECORDING RETURN TO:

George C. Reinmiller  
521 SW Clay, Suite 200  
Portland, OR 97201

K-45490

Vol 94 Page 2427

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Manuel A. Figueroa and Holly J. Figueroa, husband and wife, as grantor, to Aspen Title & Escrow, Inc. as trustee, in favor of Basin Lane and Home Mortgage, Inc. as beneficiary, dated October 19, 1989, recorded October 17, 1989, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M89, at page 19731, or as fee/title/instrument/microfilm/reception No. \_\_\_\_\_ (indicate which), covering the following described real property situated in said county and state, to-wit:

**Lot 1, Block 8, FAIRVIEW ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon. Plus all fixtures and mobile homes, if any, located thereon.**

Beneficial Interest assigned to America's Mortgage Company by instrument recorded December 6, 1989 in Vol M89, Pg. 23572, Klamath County Records.

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 said 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 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: Monthly installments of \$423.29 each, commencing with the payment due February 1, 1993 and continuing each month until this trust deed is reinstated or goes to Trustee's sale; plus accrued late charges of \$106.46 as of July 6, 1993 and further late charges of \$16.93 on each delinquent payment thereafter, plus all fees, costs and expenses associated with this foreclosure, all sums expended by the beneficiary to protect the property or its interest therein during the pendency of this proceeding, evidence that taxes are paid as provided by the terms of the Trust Deed.

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:

The sum of \$36,548.94 with interest thereon at the rate of 10.50% per annum from January 1, 1993, until paid; plus all sums expended by beneficiary to protect the property or its interest therein during the pendency of this proceeding, evidence that taxes are paid as provided by the terms of the Trust Deed.

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 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 said 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 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 compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110 on May 26, 1994, at the following place: front door - Klamath County Courthouse in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for said sale.

Other than as shown of record, neither the said beneficiary nor 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 \_\_\_\_\_

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 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 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 said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED January 1, 1994

GEORGE C. REINMILLER Successor-Trustee

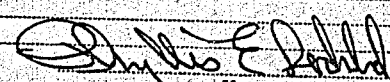
(If the signer of the above is a corporation use the form of acknowledgment opposite and affix corporate seal.)

STATE OF OREGON, ss.

County of Multnomah

This instrument was acknowledged before me on January 11, 1994 by George C. Reinmiller

GEORGE C. REINMILLER


  
(SEAL) Notary Public for Oregon

My commission expires:

County of \_\_\_\_\_ ss.

This instrument was acknowledged before me on January 11, 1994 by George C. Reinmiller

as of \_\_\_\_\_

  
Notary Public for Oregon

My commission expires: (SEAL)

**NOTICE OF DEFAULT AND ELECTION TO SELL**

STEVEN-NESS LAW PUB. CO., PORTLAND, OR.

Re: Trust Deed From

Manuel A. Figueroa and Holly J. Figueroa

Aspen Title & Escrow, Inc.

George C. Reinmiller

521 SW Clay, Suite 200

Portland, OR 97201

7638-2005672/93-37405 OR FIGUEROA

11883

STATE OF OREGON, County of Klamath ss.

I certify that the within instrument was received for record on the 25th day of January, 1994, at 11:09 o'clock A.M., and recorded in book/reel/volume No. 1924 on page 2427 or as fee/file/instrument/microfilm/reception No. 74893.

Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn County Clerk

By Annette Mueller Deputy

Fees: \$15.00