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02-24-94P02:24 RCVD

Vol. 94 Page 6064 9

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Carlos Barragan &amp; Yolanda Barragan

Transamerica Title Insurance Company

as grantor, to  
 in favor of Keith P. Mouser & Barbara L. Mouser, husband & wife, with survivorship as trustee,  
 dated 2-4, 1983, recorded 2-8, 1983, in the mortgage records of  
 Klamath County, Oregon, in book/reel/volume No. M-83 at page 1934, or as  
 fee/file/instrument/reception No. 20222 (indicate which), covering the following described real  
 property situated in the above-mentioned county and state, to-wit:

See Exhibit A, attached hereto and incorporated by this reference.

James R. Uerlings, appointed successor trustee on 2-16-94, recorded in Vol. 94  
 Page 5249 on 2-17-94.

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 §6.735(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:

- 1) Klamath County property taxes of \$3,522.45 plus interest & late charges from 2-15-94.
- 2) Liens of the a) State of Oregon Employment Division of \$1,911.91 & \$707.45 plus interest  
 & late charges, b) Internal Revenue Service of \$15,534.66 plus interest & penalties.  
 c) SAIF Corporation of \$1,687.61 plus interest & penalties.

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:

\$17,118.07 including interest to 2-2-94 and interest thereafter at 10% per annum.

— OVER —

NOTICE OF DEFAULT  
AND ELECTION TO SELLRe: Trust Deed from  
Carlos Barragan & Yolanda Barragan

Grantor

TO

James R. Uerlings

Successor

Trustee

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

James R. Uerlings

110 N. 6th St.

Klamath Falls, OR 97601

SPACE RESERVED  
FOR  
RECORDER'S USE

STATE OF OREGON,

County of } ss.

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/instru-  
 ment/microfilm/reception No. \_\_\_\_\_,  
 Record of Mortgages of said County.

Witness my hand and seal of  
County affixed.

NAME

TITLE

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

6065

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 10:00 o'clock, A. M., in accord with the standard of time established by ORS 187.110 on 7-29, 1994, at the following place: 110 N. 6th 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

NATURE OF RIGHT, LIEN OR INTEREST

Janet Gaff or current tenant  
3434 Bisbee, Klamath Falls, OR 97603

tenant

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 7-16, 1994

Keith P. Mouser  
Keith P. Mouser  
Barbara L. Mouser  
Barbara L. Mouser Beneficiary (state which)

STATE OF OREGON, County of Klamath ss.

This instrument was acknowledged before me on

by Keith P. Mouser

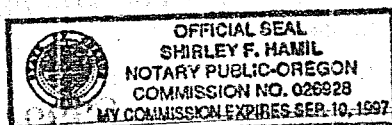
This instrument was acknowledged before me on

by

as

of

Shirley F. Hamil  
Notary Public for Oregon  
My commission expires 9-12-97



## EXHIBIT "A"

6066

An 80' by 100' rectangular parcel in the Northeast corner of Lot 18, Block 7, ALTAMONT ACRES, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Northeast corner of said Lot 18; thence 80 feet generally South along the Easterly boundary of said Lot 18; thence generally West 100 feet along a line 80 feet from and parallel to the Northerly boundary of said Lot 18; thence generally North 80 feet along a line 100 feet from and parallel to the Easterly boundary of said Lot 18; thence generally East 100 feet along the Northerly boundary of said Lot 18 to the point of beginning.

CODE 41 MAP 3909-10AC TL 3600

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of James R. Uerlings the 24th day  
of Feb A.D., 19 94 at 2:24 o'clock P.M., and duly recorded in Vol. M94,  
of Mortgages on Page 6064.

Evelyn Biehn, County Clerk

FEE \$20.00

By

Queline M. Miskin