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## NOTICE OF DEFAULT AND ELECTION TO SELL

Vol. 94 Page 22373

Reference is made to that certain trust deed made by ALBERT PORTER as Grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as Trustee, in favor of BRADFORD W. KALITA, as Beneficiary, dated January 8, 1990, recorded January 22, 1990, in the Microfilm Records of Klamath County, Oregon in Vol. M90, page 1457, covering the following described real property situated in said county and state, to-wit:

See Attached Exhibit "A."

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.73(3); the default of which the foreclosure is made is grantor's failure to pay when due the following sums:

Payments in the amount of \$224.66 due on April 22, 1993, and each and every month thereafter; plus real estate taxes in the following amounts: For the fiscal year 1992-93, Account No. 3507-018CD-02001, \$209.25 plus interest; for Account No. 3507-018CD-02100, \$73.32 plus interest; For the fiscal year 1993-94, Account No. 3507-018CD-02001, \$179.31 plus interest, Account Account No. 3507-018CD-02100, \$62.82 plus interest.

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:

\$12,912.60 plus interest in the amount of \$1,715.78, plus interest accruing at the rate of \$3.54 per day from July 22, 1994, plus real estate taxes in the following amounts: For the fiscal year 1992-93, Account No. 3507-018CD-02001, \$209.25 plus interest; for Account No. 3507-018CD-02100, \$73.32 plus interest; For the fiscal year 1993-94, Account No. 3507-018CD-02001, \$179.31 plus interest, Account Account No. 3507-018CD-02100, \$62.82 plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 6, 1994, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at Klamath County Courthouse Annex front steps, 305 Main, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. 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 to 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 of 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.

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*Rev:*  
RICHARD FAIRCLO  
ATTORNEY AT LAW  
280 MAIN STREET  
KLAMATH FALLS, OREGON 97601

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

DATED: July 21, 1994

  
Trustee

EXHIBIT "A"  
LEGAL DESCRIPTION

A tract of land situated in Government Lot 25 of Section 18, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8" iron pin with Tru-Line surveying plastic cap, on the Westerly right of way line of the Modoc Point Road, from which the South 1/4 corner of said Section 18 bears South 30 degrees 16' 00" East 970.82 feet; thence North 89 degrees 34' 21" West 219.92 feet to a 5/8" iron pin with a Tru-Line surveying plastic cap; thence continuing North 89 degrees 34' 21" West 2 feet, more or less, to the mean high water line of Agency Lake; thence, along said high water line, South 06 degrees 12' 30" West 135.28 feet to a point 40.00 feet North of the South line of said Government Lot 25; thence South 89 degrees 34' 21" East, parallel to said lot line, 2 feet, more or less, to a 5/8" iron pin with Tru-Line surveying plastic cap; thence continuing South 89 degrees 34' 21" East 247.90 feet to a 5/8" iron pin with a Tru-Line surveying plastic cap on the Westerly right of way line of the Modoc Point Road; thence, along the arc of a curve to the right (Radius point bears North 82 degrees 59' 59" East 2894.79 feet and central angle equals 02 degrees 40' 46") 135.37 feet to the point of beginning, with bearing based on record of survey map 3219.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Richard Fairclo the 21st day  
of July A.D., 19 94 at 1:27 o'clock P M., and duly recorded in Vol. M94,  
of Mortgages on Page 22373.

Evelyn Biehn County Clerk

By Pauline Muelens

FEE \$20.00