

95498

02-23-95A10:26 RCVD

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by James E. Greenhaw and Gina Greenhaw, husband and wife, as grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as trustee, in favor of RUTH PAULINE MARKS, as beneficiary, dated April 24, 19 87, recorded April 24, 19 87, in the mortgage records of Klamath County, Oregon, in book 1/volume No. M87 at page 6981, ~~and~~ ~~any other instrument or instrument or deed or deed~~ (indicate which), covering the following described real property situated in the above-mentioned county and state, to-wit:

See Attached Exhibit "A"

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: Payment of \$271.50 due on the 24th day of each of the following months: November 1994, December 1994, January 1995 and February 1995; taxes for the fiscal year 1993-94, taxes for the fiscal year 1994-95; Klamath Irrigation District Assessments.

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: \$17,944.58 with interest thereon at 9% per annum from October 14, 1994.

— OVER —

NOTICE OF DEFAULT AND ELECTION TO SELL

Re: Trust Deed from
James E. Greenhaw and Gina Greenhaw, h/w

Grantor

TO
Mountain Title Company of Klamath County

Trustee

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

Donald R. Crane
635 Main Street
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/instrument/microfilm/reception No. _____, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

By _____ Deputy

4383

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 July 14, 1995, at the following place: 635 Main Street, 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

Jené Gamble
4436 Denver Avenue
Klamath Falls, OR 97603

Warranty Deed M94, p 19815

Klamath County Tax Collector
305 Main Street
Klamath Falls, OR 97601

Personal Property Tax
Warrant No. P19688

Carter-Jones Collection Service
1143 Pine Street
Klamath Falls, OR 97601

Civil Judgment (94-2936CV)

Michael Ratliff
228 N. Seventh
Klamath Falls, OR 97601

Attorney's Lien (93-2805CV)

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 27, 1995

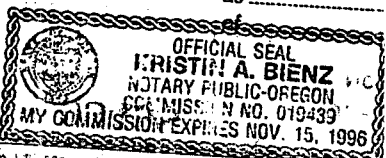
Donald R. Crane, Successor Trustee

Trustee Beneficiary (state which)

STATE OF OREGON, County of Klamath

This instrument was acknowledged before me on February 19, 1995, by Donald R. Crane ss.

This instrument was acknowledged before me on _____, 19____, by _____, as _____



Kristin A. Bienz
Notary Public for Oregon
My commission expires 11/15/96

4384

EXHIBIT "A"
LEGAL DESCRIPTION

A parcel of land situated in the N1/2 of SW1/4 of NW1/4 of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, particularly described as follows:

Beginning at a point marked by an iron pin driven in the ground in the center line of a 60 foot roadway, from which the section bears common to Sections 2, 3, 10 and 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, bears South 89 degrees 44 1/2' West along the center line of said roadway 879.4 feet to a point in the West boundary of said Section 11, and North 0 degrees 13 1/2' West along the Section line 1662.5 feet; from said point of beginning, running South 0 degrees 7' East 331.85 feet to a point in the South boundary line of said N1/2 of SW1/4 of NW1/4 of said Section 11; thence North 89 degrees 42' East along said boundary line 67.5 feet; thence North 80 degrees 7' West 331.8 feet more or less to the center line of the above mentioned 60 foot roadway; thence South 89 degrees 44 1/2' West along the center line of said roadway 67.5 feet, more or less to the place of beginning.

STATE OF OREGON: COUNTY OF KLAMATH ss.

Filed for record at request of Donald R. Crane the 28th day
of Feb A.D., 19 95 at 10:26 o'clock A M., and duly recorded in Vol. M95
of Mortgages on Page 4382.

FEE \$20.00

Bernetha G. Letsch, County Clerk

By Pauline Mullendor