

97413

04-03-95A09:14 RCVD

Vol. 195 Page 7898

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by LINDA BREWER

MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as grantor, to  
 in favor of KENNETH J. HUGHES AND JEAN J. HUGHES, OR THE SURVIVOR, as trustee,  
 dated March 18, 1994, recorded March 18, 1994, in the mortgage records of  
 Klamath County, Oregon, in book/reel/volume No. M94, at page 8306, or as  
 fee/file/instrument/microfilm/reception No. (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 HEREIN BY  
 THIS REFERENCE.

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: Nine thousand two hundred dollars (\$9,200) with interest thereon at the rate of 7 percent per annum from March 18, 1994 until paid, all due and payable on March 18, 1995.

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:

Nine thousand two hundred dollars (\$9,200) with interest thereon at the rate of 7 percent per annum from March 18, 1994 until paid in full.

— OVER —

NOTICE OF DEFAULT  
AND ELECTION TO SELL

Re: Trust Deed from

LINDA BREWER

Grantor

TO

WILLIAM M. GANONG

Successor

Trustee

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

WILLIAM M. GANONG

635 Main Street

Klamath Falls OR 97601

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

20 cr



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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, AM., in accord with the standard of time established by ORS 187.110 on August 21, 1995, at the following place: 635 Main Street

Klamath

in the City of Klamath Falls, County of 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

Linda Brewer

55111 Highway 62

Fort Klamath OR 97625

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 March 30, 1995

William M. Ganong

Trustee

~~Successor~~

(state which)

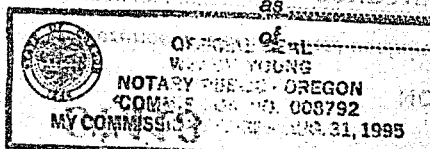
STATE OF OREGON, County of Klamath

This instrument was acknowledged before me on March 30, 1995

by William M. Ganong, Successor Trustee

This instrument was acknowledged before me on March 30, 1995

by as



Wendy Young

Notary Public for Oregon

My commission expires 8-31-95



EXHIBIT "A"  
LEGAL DESCRIPTION

The following described real property situate in Klamath County, Oregon;  
Lots 10, 11 and 12 and that portion of Lot 13 in Section 9, Township 33  
South, Range 7 1/2 East of the Willamette Meridian, Klamath County, Oregon,  
more particularly described as follows:

Beginning at the Northwest corner of Lot 13 of Section 9, Township 33  
South, Range 7 1/2 East of the Willamette Meridian; thence South 0 degrees  
20' West along the West line of said Lot 13, 729.30 feet to the center line  
of the Wood River Ditch; thence North 37 degrees 37' East along said  
centerline, 914.76 feet, to the North line of said Lot 13; thence South 89  
degrees 46' West along the North line of Lot 13, 559.68 feet to the point  
of beginning.

EXCEPT that portion described as follows: Beginning at the Southeast  
corner of Lot 12, Section 9, Township 33 South, Range 7 1/2 East of the  
Willamette Meridian, Klamath County, Oregon; thence North 0 degrees 20'  
East, along the East line of said Lot 12, 605.88 feet to the center line of  
the Wood River Ditch; thence South 35 degrees 44' West, along said  
centerline, 648.78 feet, to the Easterly right of way line of the Crater  
Lake Highway; thence South 18 degrees 26' East along said right of way  
line, 85.80 feet, to the South line of said Lot 12; thence North 89  
degrees 42' East, 348.48 feet, to the point of beginning.

According to that Survey of May 22, 1902, recorded in the office of the  
Klamath County Engineer.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and  
through the Oregon State Highway Division, by deed recorded March 18, 1991  
in Volume M91, page 4796, Microfilm Records of Klamath County, Oregon, more  
particularly described as follows:

A parcel of land lying in Lots 11 and 12, Section 9, Township 33 South,  
Range 7 1/2 East of the Willamette Meridian, Klamath County, Oregon, and  
being a portion of that property described in that deed to Glenn T. and  
Rena A. Williams, recorded in Volume M86, page 6647, Microfilm Records of  
Klamath County, Oregon; the said parcel being that portion of said  
property included in a strip of land 40 feet in width, lying on the  
Easterly side of the center line of the Crater Lake Highway as said highway  
has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 234+17.35, said Station being  
4324.02 feet North and 3062.12 feet West of the Southeast corner of Section  
9, Township 33 South, Range 7 1/2 East of the Willamette Meridian, Klamath  
County, Oregon; thence South 17 degrees 09' 01" East 2579.71 feet; thence  
on a 22,918.31 foot radius curve left (the long chord of which bears South  
17 degrees 17' 16" East 110.04 feet) 110.05 feet; thence South 17 degrees  
25' 31" East 4814.77 feet to Engineer's center line Station 309+21.88.

Bearings are based upon the Oregon Co-ordinate System of 1983, South Zone.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of William Ganong the 3rd day  
of April A.D., 19 95 at 9:14 o'clock A M., and duly recorded in Vol. M95  
of Mortgages on Page 7898.

FEE \$20.00  
By Bernetha G. Letsch County Clerk