

**TRUSTEE'S NOTICE OF DEFAULT  
AND ELECTION TO SELL**

MTCC 35676

NEAL RUTTER and LISA ANN RUTTER, as grantor, made, executed and delivered to Josephine-Crater Title Companies, Inc., as trustee, to secure the performance of certain obligations including the payment of the principal sum of \$16,000 in favor of VERNON G. LUDWIG and OFELIA LUDWIG, as beneficiary, that certain trust deed dated March 3, 1995, and recorded March 8, 1995, in the official records of Klamath County, Oregon, in Volume M 95, Page 5260, and re-recorded March 20, 1995, in Volume M 95, Page 6190, covering the following described real property situated in said county:

Lot 8, Block 14, NORTH KLAMATH FALLS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

There is a default by the grantor owing the obligations in that the grantor has failed to pay, when due, the following sums thereon:

Monthly installments of \$164.58 per month, beginning with the installment due April 8, 1995, which were due on the 8th day of each month thereafter.

which are now past due, owing and delinquent. Grantor's failure just described is the default for which the foreclosure mentioned below is made.

By reason of said default, the beneficiary has declared all obligations secured by said trust deed immediately due, owing and payable, said sums being the following, to wit:

\$16,000, together with interest thereon at the rate of 12% per annum from March 3, 1995, until paid, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said trust deed. In addition, there is owing a late payment charge of 5% for each installment unpaid within 15 days of its due date.

Notice hereby is given that the undersigned, by reason of said default, has elected and hereby does elect to foreclose said trust deed by advertisement and sale pursuant to Oregon Revised Statutes Section 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,

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LAW OFFICES OF  
DAVIS, GILSTRAP, HARRIS, HEARN & WELTY  
A Professional Corporation  
515 EAST MAIN STREET  
ASHLAND, OREGON 97520  
(503) 482-3111 FAX (503) 488-4455

or had the power to convey, at the time of the execution by him of the trust deed, together with any interest the grantor or his 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 a reasonable charge by the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:00 o'clock, a.m., Pacific Standard Time, as established by Section 187.110 of Oregon Revised Statutes, on December 13, 1995, at the following place: The offices of Mountain Title Company, 222 S. 6th Street in Klamath Falls, Oregon 97601.

Other than as shown of record, the trustee has no 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:

<u>NAME AND LAST KNOWN ADDRESS</u>	<u>NATURE OF RIGHT, LIEN OR INTEREST</u>
NEAL RUTTER and LISA ANN RUTTER 4120 B ADELAIDE KLAMATH FALLS OR 97603	GRANTOR AND OWNER OF FEE SIMPLE
TABITHA K. ZUCK, fka TABITHA K. RUTTER C/O ATTORNEY DOUGLAS V. OSBORNE 439 PINE STREET KLAMATH FALLS OR 97601	JUDGMENT CREDITOR
DOUGLAS V. OSBORNE ATTORNEY AT LAW 439 PINE STREET KLAMATH FALLS OR 97601	JUDGMENT CREDITOR
WILLIAM M. GANONG ATTORNEY AT LAW 635 MAIN STREET KLAMATH FALLS OR 97601	JUDGMENT CREDITOR
CARTER JONES COLLECTION SERV. 1143 PINE STREET KLAMATH FALLS OR 97601	JUDGMENT CREDITOR


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MARY ELIZABETH WARDEN  
or other occupant  
125 LOWELL STREET  
KLAMATH FALLS OR 97601

PERSON IN POSSESSION

Notice is further given that any person named in Section 86.760 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had no default occurred), together with costs, trustee's and attorney's fees, at any time prior to five days before the date set for said sale.

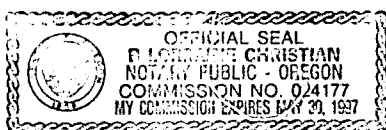
DATED: JULY 24, 1995.

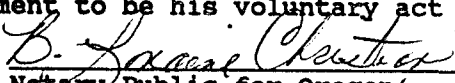
  
\_\_\_\_\_  
JACK DAVIS, Successor Trustee  
DAVIS, GILSTRAP, HARRIS,  
HEARN & WELTY

STATE OF OREGON )  
COUNTY OF JACKSON )

§

Personally appeared the above named JACK DAVIS and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:



  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires 5/31/97

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Company the 25th day  
of July A.D., 19 95 at 11:29 o'clock A M., and duly recorded in Vol. M95,  
of Mortgages on Page 19245.

FEE \$20.00

Bernetha G. Letsch, County Clerk  
By Annette Mueller