

## APPOINTMENT OF SUCCESSOR TRUSTEE

KNOW ALL MEN BY THESE PRESENTS, that JAMES W. LaMERE and KATHERINE M. LaMERE, Husband and Wife, are the grantors, and Robert D. Boivin, is the trustee, and the ESTATE of DAVID O. FLYNN is the beneficiary under that certain trust deed dated October 12, 1987, and recorded on December 2, 1987, in book/reel/volume No. M87 at page 21671 of the Mortgage Records of Klamath County, Oregon.

The undersigned, who is the present beneficiary under said trust deed desires to appoint a new trustee in the place and stead of the original trustee named above;

NOW THEREFORE, in view of the premises, the undersigned hereby appoints SCOTT D. MACARTHUR, whose address is under said trust deed, he to have all the powers of said original trustee, effective forthwith.

In construing this instrument and whenever the context hereof so required, the masculine gender includes the feminine and the neuter and the singular number includes the plural.

IN WITNESS WHEREOF, the undersigned beneficiary has hereunto set his hand and seal; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its Board of Directors.

DATED: July 6, 1995.

Boyd Yaden  
Boyd Yaden, Successor Personal Representative  
Estate of David O. Flynn

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of July, 1995, by Boyd Yaden

(SEAL)

Before me: Camille Krieger  
Notary Public for Oregon  
My Commission Expires 7/22/96



STATE OF OREGON, County of Klamath ss.

APPOINTMENT OF  
SUCCESSOR TRUSTEE  
RE: Trust Deed from  
James W. LaMere and Katherine  
M. LaMere, Husband and Wife  
Grantor

I certify that the within instrument received for record on the 6<sup>th</sup> day  
of July, 1995 at 3:13 o'clock P.m., and recorded in book/M95  
volume No. M95 Recorded of Deeds of said County.

SCOTT D. MACARTHUR  
SPENCER Et Al  
419 Main Street  
Klamath Falls, OR 97601

Trustee

Witness my hand and seal of County affixed.

After recording return to:

SPENCER Et Al  
419 Main Street  
Klamath Falls, OR 97601

Name \_\_\_\_\_ Title \_\_\_\_\_  
By \_\_\_\_\_ Deputy \_\_\_\_\_

Fee \_\_\_\_\_

**NOTICE OF DEFAULT AND ELECTION TO SELL**

RE: Trust Deed from James W. LaMere and Katherine M. LaMere, Grantor  
TO David O. Flynn, Beneficiary

AFTER RECORDING RETURN TO:  
Spencer, Runnels, MacArthur & Porras  
419 Main Street  
Klamath Falls, OR 97601

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to that certain trust deed made by JAMES W. LaMERE and KATHERINE M. LaMERE, as grantors, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as trustee, in favor of DAVID O. FLYNN, as beneficiary, dated October 12, 1987, recorded December 2, 1987, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M87 at page 21671, covering the following described real property situated in said county and state, to-wit:

LOT 378, BLOCK 122, MILLS ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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 situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action has been instituted, such action has been dismissed.

There is a default by the grantor or other person owing an obligation, the performance of which is secured by said trust deed, or by their 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:

Payments in the amount of \$258 per month from March 1988 and November 1988 through December 1988, December 1989 through February 1990, April 1990 through May 1990, November 1990 through January 1991, March 1991 through July 1991, September 1991, November 1991 through May 1995.

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: \$19,310.21 as of July 26, 1995, plus interest.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose said trust deed by advertisement and sale pursuant to Oregon Revised Statutes Sections 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, 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 the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorney.

Said sale will be held at the hour of 10:00 o'clock, A.M., Standard Time as established by Section 187.110 of Oregon Revised Statutes on December 4, 1995, at the following place: 419 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place fixed by the trustee of said sale.

Other than as shown of record, neither the said beneficiary or the said 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:

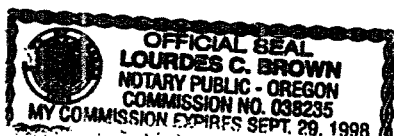
NAME AND LAST KNOWN ADDRESS	NATURE OF RIGHT, LIEN OR INTEREST
James W. LaMere 2323 Garden Klamath Falls, OR 97601	Default upon Trust Deed
Katherine M. LaMere 2323 Garden Klamath Falls, OR 97601	Default upon Trust Deed
Carter-Jones Collection Service 1143 Pine Street Klamath Falls, OR 97601	Judgment, Klamath County Case No. 9300888 CV, May 20, 1993
Amwest Surety Insurance Co. P.O. Box 4500 Woodland Hills, CA 91365	Deed of Trust, Dated November 12, 1988, Recorded November 16, 1988, Vol M88 at page 19338 Microfilm Records of Klamath County
State of Oregon, D.H.R. Support Enforcement Division 1495 Edgewater N.W. Suite 170 Salem, OR 97304	Judgment, Klamath County Case No. 9001147 CV, April 13, 1990

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 said 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 said Section 86.753 of Oregon Revised Statutes.

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

DATED: July 26, 1995.



Scott D. MacArthur  
Scott D. MacArthur  
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 26th day of July, 1995, by Scott D. MacArthur.

(S E A L)

Before me: [Signature]  
Notary Public for Oregon

My Commissioner Expires: 9/29/98

STATE OF OREGON, County of Klamath)ss.

I certify that the within instrument received for record on the 26th day  
Of July, 19 95, at 3:13 o'clock P.M., and recorded in book/reel/  
volume No. M950 on page 19452 or as fee/file/instrument/microfilm/reception  
No. 3392 Recorded of Deeds of said County.  
Mortgages

Witness my hand and seal of County affixed.

Bernetha G. Letsch, County Clerk  
Name Title

By Annette Mueller Deputy

Fee \$25.00