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3689

08-01-95P01:32 RCVD

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Diana Wilcox, as grantor, to

Aspen Title & Escrow Inc., as trustee,  
in favor of William L. Cahill and Susan M. Cahill, husband and wife, as beneficiary,  
dated January 17, 1992, recorded January 22, 1992, in the mortgage records of  
Klamath County, Oregon, in book/reel/volume No. M-92 at page 1293, or as  
fee/file/instrument/microfilm/reception No. \_\_\_\_\_ (indicate which), covering the following described real  
property situated in said county and state, to-wit:

The E½ of Lot 7, Block 9, Fairview Addition #2  
to the City of Klamath Falls, in the County of  
Klamath, State of Oregon.  
(Code 1, Map 3809-29CA, TL 17300)

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 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 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:

Monthly payment in the amount of \$372.56 due on 1/12/95, 2/12/95,  
3/12/95, 4/12/95, 5/12/95 and 6/12/95 and 7/12/95.

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:

Principal - \$22,699.79  
delinquent interest - \$2,397.77  
Interest computed as of 7/31/95 plus \$6.84 per day.

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 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 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 compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on December 14, 1995, at the following place: Front entrance/Klamath Co. Detention Center, 3201 Vandenburg Road in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for said sale.

200

Other than as shown of record, neither the said beneficiary nor 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

Diana Wilcox aka Diana Locks  
1110 Mont Clair  
Klamath Falls, Or. 97601

NATURE OF RIGHT, LIEN OR INTEREST  
Subsequent Trust Deed holder

Judith W. Hall  
3330 Cannon  
Klamath Falls, Or. 97603

fee simple owner

Robert C. Hall II  
16994 Westerman Court  
Hayward, Ca. 94571

judgement lien holder  
Judith W. Hall

Continued on Exhibit "A"

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 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 ORS 86.753.

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 31, 1995

Robert F. Nichols, Jr.

~~Trustee~~ ~~Beneficiary~~  
Successor Trustee

(State which)

(If the signer of the above is a corporation, use the form of acknowledgment opposite.)

STATE OF OREGON,

County of Lake } ss.

The foregoing instrument was acknowledged before me this July 31, 1995 by

Robert F. Nichols, Jr.

(ORS 194.570)

STATE OF OREGON, County of } ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_,

president, and by \_\_\_\_\_,

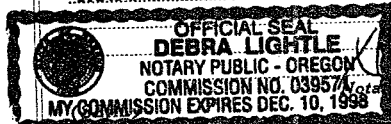
secretary of \_\_\_\_\_

a \_\_\_\_\_ corporation, on behalf of the corporation.

Notary Public for Oregon

My commission expires:

(SEAL)



12-10-98

# NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

STEVENS-NESS LAW PUB. CO., PORTLAND, OR.

Re: Trust Deed From

Diane Wilcox

Grantor

To

Aspen Title

Trustee

AFTER RECORDING RETURN TO

Bogardus & Nichols, P.C.  
35 South G Street  
Lakeview, Or. 97630

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

TITLE

By \_\_\_\_\_ Deputy

20060

EXHIBIT "A"

Name and Last Known Address

First Interstate Bank of Oregon  
Attn: Legal Dept.  
1300 SW 5th Ave.  
Portland, Or. 97208

The Best Service Co.  
10960 Wilshire Blvd.  
Los Angeles, Ca. 90024

Nature of Right, Lien or Interest

judgment lien holder  
Robert C. Hall III & Judith W. Hall

assignee First Interstate Bank of Or.  
judgment lien

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the \_\_\_\_\_ 1st \_\_\_\_\_ day  
of \_\_\_\_\_ Aug \_\_\_\_\_ A.D., 19 95 at 1:32 o'clock P M., and duly recorded in Vol. \_\_\_\_\_ M95  
of \_\_\_\_\_ Mortgages \_\_\_\_\_ on Page 20058

By Bernetha G. Letson County Clerk

FEE \$20.00