

3866

08-03-95A11:03 RCVD

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## APPOINTMENT OF SUCCESSOR TRUSTEE

KNOW ALL MEN BY THESE PRESENTS, that ELLIOTT L. FERGUSON and ANTOINETTE S. FERGUSON, Husband and Wife, are the grantors, and Mountain Title Company of Klamath County, is the trustee, and DONALD ENGLESON and DORENE ENGLESON, Or the Survivor thereof are the beneficiary under that certain trust deed dated June 9, 1992, and recorded on June 11, 1992, in book/rcel/volume No. M92 at page 12751 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:

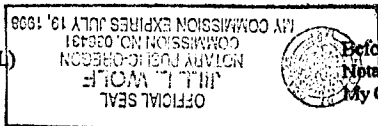
July 25<sup>th</sup>, 1995

Donald F. Engleson  
Donald Engleson

Dorene Engleson  
Dorene Engleson

The foregoing instrument was acknowledged before me this 25 day of July, 1995, by Donald Engleson and Dorene Engleson.

(SEAL)



Before me: Jill L. Wolf  
Notary Public for Oregon  
My Commission Expires: 7-19-98

STATE OF OREGON, County of Marion

OFFICIAL SEAL  
JILL L. WOLF  
NOTARY PUBLIC-OREGON  
COMMISSION NO. 033431  
MY COMMISSION EXPIRES JULY 19, 1995

APPOINTMENT OF  
SUCCESSOR TRUSTEE

RE: Trust Deed from  
Elliott L. Ferguson and Antoinette  
S. Ferguson, Husband and Wife  
Grantor

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

Trustee

After recording return to:

SPENCER Et Al  
419 Main Street  
Klamath Falls, OR 97601

I certify that the within instrument received for record on the \_\_\_\_ day  
of \_\_\_\_, 19\_\_, at \_\_\_\_ o'clock \_\_m., and recorded in book/rcel/  
volume No. \_\_\_\_, Recorded of Deeds of said County.

Witness my hand and seal of County affixed.

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

**NOTICE OF DEFAULT AND ELECTION TO SELL**

RE: Trust Deed from Elliott L. Ferguson and Antoinette S. Ferguson, Grantor  
TO Donald Engleson and Dorene Engleson, 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 ELLIOTT L. FERGUSON and ANTOINETTE S. FERGUSON, husband and wife, as grantors, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as trustee, in favor of DONALD ENGLESON and DORENE ENGLESON, or the survivor, as beneficiary, dated June 8, 1992, recorded June 11, 1992, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M92 at page 12571, covering the following described real property situated in said county and state, to-wit:

LOT 11, BLOCK 8 of TRACT 1090, WAGON TRAIL ACREAGES NO. 1, SECOND ADDITION, 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:

Taxes from 1992-1993 in the amount of \$682.47, plus interest which is due and owing.

Taxes from 1993-1994 in the amount of \$689.88, plus interest which is due and owing.

Taxes from 1994-1995 in the amount of \$571.10, plus interest which is due and owing.

Failure to provide and continuously maintain insurance on the buildings on the said premises against loss or damage by fire and such other hazards as the beneficiary may from time to time require, in an amount not less than full insurable value.

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 sum being the following, to-wit: \$18,805.27 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 case 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 11, 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
Elliott L. Ferguson P.O. Box 1642 LaPine, OR 97739	Default upon Trust Deed
Elliott L. Ferguson 16355 Oak Bluff Rd. Canyon Country, CA 91351	Default upon Trust Deed
Antoinette S. Ferguson P.O. Box 1642 LaPine, OR 97739	Default upon Trust Deed
Antoinette S. Ferguson 16355 Oak Bluff Rd. Canyon Country, CA 91351	Default upon Trust Deed

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: August 1, 1995.

Scott D. MacArthur  
 Scott D. MacArthur  
 Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 1st day of August, 1995, by Scott D. MacArthur.

(S E A L)



Beforeme: Camille Krieger  
 Notary Public for Oregon  
 My Commissioner Expires: 9-22-96

STATE OF OREGON, County of Klamath)ss.

I certify that the within instrument received for record on the 3rd day  
 Of August, 19 95, at 11:00 clock A M., and recorded in book/reel/  
 volume No. M95 on page 20472 or as fee/file/instrument/microfilm/reception  
 No. 3866, Recorded of Books of said County.

Mortgages

Witness my hand and seal of County affixed.

Bernetha G. Letsch Co Clerk

Name Shirley Hartley Title Deputy  
 By Shirley Hartley

Fees: \$25.00