

4044

FORM No. 884—NOTICE OF DEFAULT AND ELECTION TO SELL—Oregon Trust Deed Series.

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ASPEN 04043403/F
NOTICE OF DEFAULT AND ELECTION TO SELL

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Reference is made to that certain trust deed made by BOWERS EXCAVATING & FENCING

ASPEN TITLE & ESCROW, INC., as grantor, to
 in favor of LYLE COPPEDGE, as trustee,
 dated SEPTEMBER 18, 1992, recorded SEPTEMBER 21, 1992, in the mortgage records of
KLAMATH County, Oregon, in book XXXXXXXXXX No. M92 at page 21658, or as
 fee/~~file~~/~~instrument~~/~~microfilm~~/~~reception~~ No. 50962 (indicate which), covering the following described real
 property situated in the above-mentioned county and state, to-wit:

The West 790 feet of Tract 70, FAIR ACRES SUBDIVISION NO. 1, in the County of Klamath,
 State of Oregon.
 Code 41 Map 3809-35DD-TL 300

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: Balance of monthly installments of \$957.00 due from March 18, 1994 to present; and
 subsequent installments of like amounts; subsequent amounts for assessments due under
 the terms and provisions of the Note and Trust Deed.

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: \$39,860.10 plus interest and
 late charges, thereon from March 18, 1994 at the rate of TEN (10.0%) PERCENT PER ANNUM
 until paid and all sums expended by the Beneficiary pursuant to the terms and provisions
 of the Note and Trust Deed plus any and all taxes owing.

— OVER —

**NOTICE OF DEFAULT
 AND ELECTION TO SELL**

Re: Trust Deed from

Grantor

TO

Trustee

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

ASPEN TITLE & ESCROW, INC
 ATTN: FORECLOSURE DEPARTMENT

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/instru-
 ment/microfilm/reception No. _____,
 Record of Mortgages of said County.

Witness my hand and seal of
 County affixed.

NAME

TITLE

By _____, Deputy

08-07-95A10:51 RCVD

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 11:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on JANUARY 2, 1996, at the following place: FRONT ENTRY TO ASPEN TITLE & ESCROW, INC AT 525 MAIN STREET in the City of KLAMATH FALLS, County of KLAMATH, 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
BOWERS EXCAVATING & FENCING
3427 WASHBURN WAY
KLAMATH FALLS, OREGON 97603

KLAMATH COUNTY TAX COLLECTOR
305 MAIN STREET
KLAMATH FALLS, OREGON 97601

HMR, INC., an OREGON CORPORATION
2316 SOUTH SIXTH STREET
KLAMATH FALLS, OREGON 97603

NATURE OF RIGHT, LIEN OR INTEREST
GRANTOR

LIEN HOLDER

LIEN HOLDER

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 August 7, 1995.

Marlene T. Addington
Trustee Assistant Secretary (state which)

STATE OF OREGON, County of KLAMATH ss.

This instrument was acknowledged before me on _____, 19____,

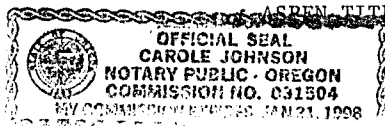
by _____

This instrument was acknowledged before me on AUGUST 7, 1995,

by MARLENE T. ADDINGTON

as ASSISTANT SECRETARY

of ASPEN TITLE & ESCROW, INC



Carole Johnson
Notary Public for Oregon
My commission expires 1-21-98

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 7th day of Aug A.D., 19 95 at 10:51 o'clock A M., and duly recorded in Vol. M95 of Mortgages on Page 20730

FEE \$15.00

By Bernetha G. Leisch, County Clerk

August 7, 1995

#4045
#4046

Withdrawn
"

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