

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to that certain trust deed made by TIMOTHY J. PARDON, dba Pardon Construction, as grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY as trustee, in favor of MAGGIE VAN NES, as beneficiary, dated September 13, 1994, recorded September 26, 1994, in the mortgage records of Klamath County, Oregon, in Volume M94 at page 30177, covering the following described real property situated in said county and state, to-wit:

The Easterly 60 feet of Lot 1, Block 18 of FAIRVIEW ADDITION NO.2 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 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:

Payments of not less than \$400.00 per month from October 20, 1994, through and including July 20, 1995, except for a credit of \$31.80 credited to the account on October 20, 1994, for a total sum of \$3,968.20, plus interest 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 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:

\$36,000 plus interest and late charges from September 20, 1994 at the rate of 10% per annum until paid, all sums expended by the beneficiary pursuant to the terms and provisions of the Note and Trust Deed, any and all property taxes owing, and all judgment liens on the property.

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 grantor of the trust deed, together with any interest the grantor or grantor's 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 ten o'clock, A.M., in accord with the standard of time established by ORS 187.110 on December 12, 1995, at the following place: 439 Pine Street in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for said sale.

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:**

Timothy J. Pardon  
dba Pardon Construction  
1342 Lookout  
Klamath Falls, OR 97601

Pardon Construction  
858 Homedale #D  
Klamath Falls, OR 97603

**NATURE OF RIGHT, LIEN OR INTEREST:**

Grantor

21307

NAME AND LAST KNOWN ADDRESS:

Credit Services of Oregon  
P.O. Box 1208  
Roseburg, OR 97470

NATURE OF RIGHT, LIEN OR INTEREST:

Lien Holder for Judgment entered on October 25, 1994 for \$1,528.16 plus interest

NAME AND LAST KNOWN ADDRESS:

Klamath County Tax Collector's Office  
305 Main St.  
Klamath Falls, OR 97601

NATURE OF RIGHT, LIEN OR INTEREST:

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 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 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 10, 1995

Douglas V. Osborne  
Douglas V. Osborne, Trustee

STATE OF OREGON, County of Klamath )ss.

This instrument was acknowledged before me  
on August 10, 1995 by Douglas V. Osborne  
This instrument was acknowledged before me on  
\_\_\_\_\_, 19\_\_, by \_\_\_\_\_  
as \_\_\_\_\_ of \_\_\_\_\_

Camille Krieger  
Notary Public for Oregon  
My commission expires 9-22-96



NOTICE OF DEFAULT AND ELECTION TO SELL  
Re: Trust Deed From

21308

Timothy J. Pardon, dba  
Pardon Construction, Grantor

To

Mountain Title Company of  
Klamath County, Trustee

After recording return to: DOUGLAS V. OSBORNE  
439 Pine St.  
Klamath Falls, OR 97601

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

21309



ON

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by TIMOTHY J. PARDON, dba Pardon Construction, as grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as trustee, in favor of MAGGIE VAN NES, as beneficiary, dated Sept. 13, 1994, XXX, recorded Sept. 26, 1994, in the mortgage records of Klamath County, County, Oregon, in book/reel/volume No. M94 at page 30177, 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 Easterly 60 feet of Lot 1, Block 18 of FAIRVIEW ADDITION NO. 2 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

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Payments of not less than \$400.00 per month from October 20, 1994, through and including July 20, 1995, except for a credit of \$31.80 credited to the account on October 20, 1994, for a total sum of \$3,968.20, plus interest 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 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:

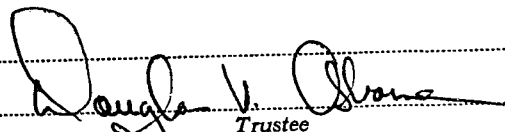
\$36,000.00, plus interest and late charges from September 20, 1994, at the rate of 10% per annum until paid, all sums expended by the beneficiary pursuant to the terms and provisions of the Note and Trust Deed, any and all property taxes owing, and all judgment liens on the property.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 12, 1995, at the hour of ten o'clock, A. M., in accord with the standard of time established by ORS 187.110, at 439 Pine Street

in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. 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 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 10, 1995

  
Trustee

State of Oregon, County of \_\_\_\_\_ ss:

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

\_\_\_\_\_  
Attorney for said Trustee

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Douglas V. Osborne the 10th day of August A.D., 19 95 at 3:43 o'clock P. M., and duly recorded in Vol. M95 of Mortgages on Page 21306

FEE \$25.00

By Annette Mueller  
Bernetha G. Letsch, County Clerk