

5983

IN A COURT OF

Vol. M95 Page 24641

ASPEN 04043625/F  
NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by RICHARD BARNETT  
ASPEN TITLE & ESCROW, INC., as grantor, to  
in favor of WILLIAM C. POOLE, as trustee,  
dated NOVEMBER 28, 1994, recorded DECEMBER 13, 1994, as beneficiary,  
KLAMATH County, Oregon, in book/file volume No. M94, in the mortgage records of  
fee/file instrument/file instrument No. 92404, at page 37696, or as  
property situated in the above-mentioned county and state, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF AS THOUGH  
FULLY SET FORTH HEREIN.....

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 not less than \$500.00 a month due for the months  
of June, July, August of 1995; and 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: \$61,600.00 plus interest and  
late charges, thereon from June, July and August of 1995 at the rate of NINE (9.0%) PER  
CENT PER ANNUM until paid and all sums expended by the Beneficiary pursuant to the terms  
and provisions of the Note and Trust Deed; any and all property 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

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/file/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

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 February 19, 1996, at the following place: FRONT entry to Aspen Title & Escrow, INC. located 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

## NATURE OF RIGHT, LIEN OR INTEREST

RICHARD BARNETT

GRANTOR

9584 WRIGHT LANE  
BROWNSVILLE, CALIFORNIA 95919

RICHARD BARNETT

P.O. BOX 452

BONANZA, OREGON 97623

PRAIRIE ROSE LAND & CATTLE COMPANY  
HCR4 BOX 43044

ALTURUS, CALIFORNIA 96101

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 23, 1995

Trustee

~~XXXXXXXXXX~~

(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 23, 1995,

by ANDREW A. PATTERSONas ASSISTANT SECRETARY

E &amp; ESCROW, INC.



OFFICIAL SEAL  
CAROLE JOHNSON  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 031504  
MY COMMISSION EXPIRES JAN 31, 1998

My commission expires

Notary Public for Oregon

## EXHIBIT "A"

## PARCEL 1

The S $\frac{1}{2}$  NE $\frac{1}{4}$  and the N $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 28, Township 38 South, Range 13 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

## PARCEL 2

The S $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 28 and the E $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 33, Township 38 South, Range 13 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

Code 36 Map 3813 TL 3000

Code 36 Map 3813 TL 3100

Code 36 Map 3813 TL 3200

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 12th day  
of Sept A.D. 19 95 at 11:43 o'clock A M., and duly recorded in Vol. M95  
of Mortgages on Page 24641

FEE \$20.00

By Bernetha G. Letsch, County Clerk