

TRUSTEE'S NOTICE OF DEFAULT

MTC-35676

AND ELECTION TO SELL

NEAL RUTTER and LISA ANN RUTTER, as grantor, made, executed and delivered to Josephine-Crater Title Companies, Inc., as trustee, to secure the performance of certain obligations including the payment of the principal sum of \$16,000 in favor of VERNON G. LUDWIG and OFELIA LUDWIG, as beneficiary, that certain trust deed dated March 3, 1995, and recorded March 8, 1995, in the official records of Klamath County, Oregon, in Volume M 95, Page 5260, and re-recorded March 20, 1995, in Volume M 95, Page 6190, covering the following described real property situated in said county:

Lot 8, Block 14, NORTH KLAMATH FALLS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

There is a default by the grantor owing the obligations in that the grantor has failed to pay, when due, the following sums thereon:

Monthly installments of \$164.58 per month, beginning with the installment due April 8, 1995, which were due on the 8th day of each month thereafter.

which are now past due, owing and delinquent. Grantor's failure just described is the default for which the foreclosure mentioned below is made.

By reason of said default, the beneficiary has declared all obligations secured by said trust deed immediately due, owing and payable, said sums being the following, to wit:

\$16,000, together with interest thereon at the rate of 12% per annum from March 3, 1995, until paid, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said trust deed. In addition, there is owing a late payment charge of 5% for each installment unpaid within 15 days of its due date.

Notice hereby is given that the undersigned, by reason of said default, has elected and hereby does elect to foreclose said trust deed by advertisement and sale pursuant to Oregon Revised Statutes Section 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,

Notice of Default

Election to Sell - Page -1-

LAW OFFICES OF
DAVIS, GILSTRAP, HARRIS, HEARN & WELTY
A Professional Corporation
515 EAST MAIN STREET
ASHLAND, OREGON 97520
(503) 482-3111 FAX (503) 488-4455

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

Said sale will be held at the hour of 10:00 o'clock, a.m., Pacific Standard Time, as established by Section 187.110 of Oregon Revised Statutes, on December 13, 1995, at the following place: The offices of Mountain Title Company, 222 S. 6th Street in Klamath Falls, Oregon 97601.

Other than as shown of record, the trustee has no 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:

<u>NAME AND LAST KNOWN ADDRESS</u>	<u>NATURE OF RIGHT, LIEN OR INTEREST</u>
NEAL RUTTER and LISA ANN RUTTER 4120 B ADELAIDE KLAMATH FALLS OR 97603	GRANTOR AND OWNER OF FEE SIMPLE
TABITHA K. ZUCK, fka TABITHA K. RUTTER C/O ATTORNEY DOUGLAS V. OSBORNE 439 PINE STREET KLAMATH FALLS OR 97601	JUDGMENT CREDITOR
DOUGLAS V. OSBORNE ATTORNEY AT LAW 439 PINE STREET KLAMATH FALLS OR 97601	JUDGMENT CREDITOR
WILLIAM M. GANONG ATTORNEY AT LAW 635 MAIN STREET KLAMATH FALLS OR 97601	JUDGMENT CREDITOR
CARTER JONES COLLECTION SERV. 1143 PINE STREET KLAMATH FALLS OR 97601	JUDGMENT CREDITOR

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MARY ELIZABETH WARDEN
or other occupant
125 LOWELL STREET
KLAMATH FALLS OR 97601

PERSON IN POSSESSION

Notice is further given that any person named in Section 86.760 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had no default occurred), together with costs, trustee's and attorney's fees, at any time prior to five days before the date set for said sale.

DATED: JULY 24, 1995.

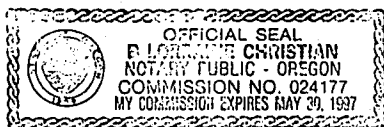

JACK DAVIS, Successor Trustee
DAVIS, GILSTRAP, HARRIS,
HEARN & WELTY


STATE OF OREGON)

COUNTY OF JACKSON)

§

Personally appeared the above named JACK DAVIS and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:




Notary Public for Oregon
My Commission Expires 5/31/97

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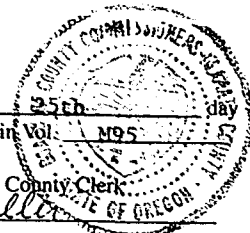
STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Company the 25th day
of July A.D., 19 95 at 11:29 o'clock A. M., and duly recorded in Vol. N95
of Mortgages on Page 19245

FEE \$20.00

INDEXED

By Bernetha G. Letsch, County Clerk
Annette Mueller



32634

OREGON

IN THE _____ COURT OF THE STATE OF _____
 COUNTY OF _____ : COURT CASE NO. _____

VERNON G LUDWIG AND OFELIA LUDWIG

vs

NEAL RUTTER AND LISA ANN RUTTER

PROOF OF SERVICE

STATE OF OREGON)

) SS.

County of KLAMATH

I hereby certify that on the 1 day of August, 19 95, at the hour of 1852,
 I served PARTIES IN POSSESSION by:

XX

Personal Service (personally and in person)

Substitute Service (by serving a person over the age of 14 years, who resides at the usual place of abode of the within named)

Office Service (by serving the person apparently in charge)

By posting (said residence)

A certified/true copy of:

Summons

Motion

Complaint

Petition

Writ of Garnishment

Order

Citation

Notice

Small Claims

Affidavit

Subpoena

Decree

XOther: TRUSTEE'S NOTICE OF SALE

Together with a copy of _____

To HOPE HUNTERAt 125 LOWELL ST
KLAMATH FALLS, OR.

NOT FOUND: I certify that I received the within document for service on the _____ day of _____, 19_____.
 and after due and diligent search and inquiry, I have been unable to locate _____
 within the county of _____. Dated this _____ day of _____, 19_____.

ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF KLAMATH

I am a competent person over the age of 18, a resident of said State, not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise and knew that the person, firm or corporation served is the identical one named in the action.

Subscribed to and sworn to before me this
 _____ day of _____, 19_____

Jackie L Hayden
 JACKIE L HAYDEN (#22)

Cleveland Investigation Company
 (503) 535-6005

Papers

Received From DAVIS, GILSTRAP, HARRIS, HEARN & WILSON515 E. MAIN ST.ASHLANDOR 97520-FEDERAL ID # 93-0904214CIC File No: CICP.O. Box 230Talent, OR 97540Date: 8/9/95CIC File No: 95-19725-KBUS

Client No. _____

Service Fee	\$ 20.00
Mileage	\$
Rush/Emergency	\$ 20.00
Incorrect Add.	\$
FREE	10.00
Amount Paid	\$ 0.00
TOTAL DUE	\$ \$50.00

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Julie Hughes, Office Manager,
being first duly sworn, despose and say
that I am the principal clerk of the
publisher of the Herald and News
a newspaper in general circulation, as
defined by Chapter 193 ORS, printed and
published at Klamath Falls in the
aforesaid county and state; that the

LEGAL # 7835

TRUSTEE'S NOTICE OF SALE

a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for FOUR

(4 insertions) in the following issues:

Oct. 19, 26, 1995

Nov. 2, 9, 1995

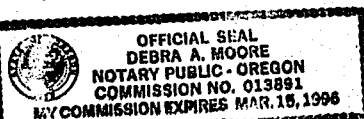
Total Cost: \$480.32

Subscribed and sworn before me this 9th
day of Nov. 19 95

Debra A Moore

Notary Public of Oregon

My commission expires 3-15 19 96



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Company the 29th day
of November A.D., 19 95 at 3:36 o'clock P M., and duly recorded in Vol. M95
of Mortgages on Page 32630

FEE \$40.00

By Annette Mueller
Bernetha G. Letsch, County Clerk

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by NEAL RUTLER and LISA ANN RUTLER, as grantor, to Josephine Crater Title Companies, as Trustee, to secure certain obligations in favor of VERNON G. LUDWIG and ORELIA LUDWIG, as beneficiary, dated March 3, 1995, and recorded March 8, 1995, in Volume M 95, Page 5260, and rerecorded March 20, 1995, in Volume M 95, Page 6190 of the Official Records of Klamath County, Oregon, covering the following described real property, to-wit:

Lot 8, Block 14, NORTH 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 to foreclose said trust deed by advertisement and sale. The default for which the foreclosure is made is grantor's failure to pay when due the following sums owing on said obligations, which sums are now past due, owing and delinquent:

Monthly installments of \$164.58 per month, beginning with the installment due April 8, 1995, and monthly installments in the same amount due the 8th day of each month thereafter.

By reason of said default, the beneficiary has declared the entire unpaid balance of all obligations secured by said trust deed together with the interest thereon, immediately due, owing and payable, said sums being the following to-wit:

\$16,000.00, together with interest thereon at the rate of 12% per annum from March 3, 1995, until paid, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said trust deed. In addition, there is owing a late payment charge of 5% for each installment unpaid within 15 days of its due date.

A notice of default and election to sell and to foreclose was duly recorded in Volume M95, page 19245, of the official Records of Klamath County, State of Oregon. Said Notice of Default and Election to Sell was recorded July 25, 1995. WHEREFORE, NOTICE HEREBY IS GIVEN that the undersigned trustee will on the 13th day of December, 1995, at the hour of 10:00 o'clock a.m., Pacific Standard Time as established by Section 187.110, Oregon Revised Statutes, at the offices of Mountain Title Company, 222 S. Sixth

Street, Klamath Falls, 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 of the said trust deed, together with any interest which the grantor or 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 certain persons referred to in the Oregon Revised Statutes have the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had no default occurred) together with costs, trustee's and attorney's fees at any time prior to five days before the date of said sale, provided that all other defaults referred to above are cured by then.

DATED this 28th day of July, 1995.
DAVIS, GILSTRAP, HARRIS, HEARN & WELTY
A Professional Corporation
/s/ JACK DAVIS, SUCCESSOR TRUSTEE
#7835 October 19, 26, 1995 November 2, 9, 1995