

Reference is made to that certain trust deed made by William Russell Spear, as grantor, to Antonio Porras as successor trustee, in favor of Kosta, Spencer, Runnels & MacArthur, as beneficiary, dated August 18, 1994, recorded August 19, 1994, in the mortgage records of Klamath County, Oregon, in Vol M94 No. at page 25739, or as No. , covering the following described real property situated in said county and state, to-wit:

See Attached Exhibit "A"

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: \$5,325.03 plus accrued interest as well as failure to pay real property taxes when due.

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: \$5,325.03 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 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 10 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on June 18, 1996, 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 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:**

Alice R. Fowler, personal representative of the Estate of Annalycia Cruz  
c/o Robert Foltyn  
635 Main St.  
Klamath Falls, OR 97601

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

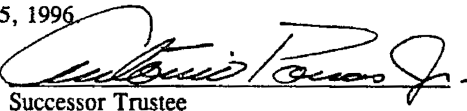
Judgment lien

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.

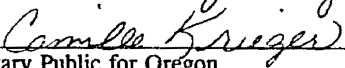
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: January 25, 1996

  
Successor Trustee

STATE OF OREGON, County of Klamath)ss.

This instrument was acknowledged before me on January 25, 1996 by Antonio Porras.

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

NOTICE OF DEFAULT AND ELECTION TO SELL (FORM No. 884)

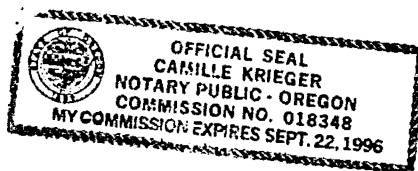
Re: Trust Deed From

William Russell Spear, Grantor

To

Antonio Porras, Trustee

After recording return to: Antonio Porras  
419 Main Street  
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/rec/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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

PARCEL 1:

The Southerly 110 feet of the N1/2 S1/2 SW1/4 NE1/4 SE1/4 of Section 6, Township 35 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, EXCEPT that portion lying East of Sprague River.

PARCEL 2:

A portion of the NE1/4 of the SE1/4 in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of the S1/2 N1/2 S1/2 NE1/4 SE1/4 of Section 6, Township 35 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, said point being the Northwest corner of the property conveyed by Deed recorded March 25, 1963 in Deed Volume 344 at page 192; thence East along the North line of said S1/2 N1/2 S1/2 NE1/4 SE1/4 to its intersection with the high waterline of Sprague River, thence North and East along the high water line of Sprague River to its intersection with the Southwesterly boundary of the Chiloquin-Sprague River County Road; thence North and West along the boundary line of said road to its intersection with the North line of the NE1/4 SE1/4 of said Section; thence West on said boundary line to the Northwest corner of the NE1/4 SE1/4; thence South along the West line of the NE1/4 SE1/4 of said Section to the point of beginning.

EXCEPTING THEREFROM...

Beginning at the Northwest corner of Parcel 1 as recorded in Volume M85, page 4081, Microfilm Records of Klamath County, Oregon; running thence South 89 degrees 59' 26" East 383.66 feet, more or less, to the high water line of the Sprague River; thence North 62 degrees 33' 44" West 367.94 feet to a point on the Easterly edge of an access road; thence along the Easterly edge of said road to the point of beginning, the straight line course of which bears South 18 degrees 37' 20" West 178.84 feet.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION - CONTINUED**

PARCEL 3:**PARCEL A**

The Northerly 55 feet of the N1/2 S1/2 SW1/4 NE1/4 SE1/4, EXCEPTING that part that lays East of the Sprague River, in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL B**

That portion of the S1/2 N1/2 S1/2 NE1/4 SE1/4 that lays East of the access road and West of the Sprague River, in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL C**

A portion of the NE1/4 of the SE1/4 in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of Parcel 1 as recorded in Volume M85, page 4081, Microfilm Records of Klamath County, Oregon; running thence South 89 degrees 59' 26" East 383.66 feet, more or less, to the high water line of the Sprague River; thence North 62 degrees 33' 44" West 367.94 feet to a point on the Easterly edge of an access road; thence along the Easterly edge of said road to the point of beginning, the straight line course of which bears South 18 degrees 37' 20" West 178.84 feet.

Together with an appurtenant easement 40 feet in width for right of way purposes commencing at the Northwest corner of Parcel 1 as recorded in Volume M85, page 4081, Microfilm Records of Klamath County, Oregon, thence running along the Easterly boundary of the aforesaid Parcel 1 to the Chiloquin Sprague River County Road, being an existing access road referred to and shown on that certain map of survey for Williams Enterprises filed in the office of the Klamath County Surveyor on May 5, 1983, and bearing Surveying Map Number 3842.

PARCEL 4:

That part of the S1/2 of N1/2 of S1/2 of NE1/4 of SE1/4 that lays West of the access road as now located on the said property, TOGETHER WITH a 10 foot wide easement (for access to the Sprague River) along the South boundary of that part of the S1/2 of N1/2 of S1/2 of NE1/4 of SE1/4 that lays East said access road and West of the Sprague River, in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH : ss.

Filed for record at request of \_\_\_\_\_ the 26th day  
of Jan A.D., 19 96 at 11:39 o'clock A M., and duly recorded in Vol. M96  
of Mortgages on Page 2271.

FEE \$25.00

Bernetha J. Letsch, County Clerk  
*Bernetha J. Letsch*