

24154

COMMISSIONER OF DEEDS
K-49754
NOTARIAL

Vol. 996 Page 27335

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Elmer A. Pecka

Klamath County Title Company, as grantor, to
in favor of Charlene A. Skellham, as trustee,
dated August 16, 1995, recorded August 30, 1995, in the mortgage records of
Klamath County, Oregon, in book/reel volume No. M95 at page 23371, or as
fee/file/instrument/microfilm/reception No. 5346 (indicate which), covering the following described real
property situated in the above-mentioned county and state, to-wit:

SEE 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 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 86.335(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:

The February 1, 1996 monthly installment of \$281.10 and each month thereafter plus, buyer's fees of \$20.30.

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:

The unpaid principal balance of \$34,877.82 with interest thereon at 9% per annum from January 12, 1996 until paid.

— OVER —

NOTICE OF DEFAULT
AND ELECTION TO SELL

Re: Trust Deed from
Pecka

Grantor

Klamath County Title Co.

Trustee

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

PATRICK J. KELLY

ATTORNEY AT LAW

717 NW 5th ST.

GRANTS PASS, OR 97526

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/instrument/microfilm/reception No. , Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By , Deputy

27336



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 10:30 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on January 21, 1997, at the following place: Front entrance of Klamath County Sheriff's Office, 316 Main 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

NONE

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 28, 1996

Patrick J. Kelly
PATRICK J. KELLY

Trustee

~~Beneficiary~~

(state which)

STATE OF OREGON, County of Josephine) ss.

This instrument was acknowledged before me on August 28, 1996,

by Patrick J. Kelly

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

by _____

as _____

of _____



OFFICIAL SEAL
HOPE LAUBER
NOTARY PUBLIC - OREGON
COMMISSION NO. 024334
MY COMMISSION EXPIRES JUN 23, 1997

Hope Lauber
Notary Public for Oregon
My commission expires 6-28-97

EXHIBIT "A"

27337

All of Lots 24, 25 and the Southeast one-half of Lot 26 in Block 21 of Industrial Addition 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. Together with an interest in a certain community driveway and garage as shown in Book 104 page 190, records of Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title the 3rd day
of September A.D., 19 96 at 11:02 o'clock AM., and duly recorded in Vol. M96
of Mortgages on Page 27335

Bernetha G Letsch, County Clerk

FEE \$20.00

By Cheryl Swann