

30056

Vol. 796 Page 39125

After recording return to:

96 DEC 17 AM 129

ROUTH CRABTREE & FENNEL
 1750 - 112TH AVENUE NE, SUITE A-208
 BELLEVUE, WA 98004

MTC 300500

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Marvin Wesley Patterson, as grantors, to Preston, Thorgrimson, Shidler, Gates & Ellis, c/o Lucy Kivel, Esq., as trustee in favor of TMS Mortgage Inc., a New Jersey Corporation, dba The Money Store, as beneficiary, dated May 5, 1995, recorded May 17, 1995, in the mortgage records of Klamath County, Oregon, in Volume: M95, Page 12852, covering the following described real property situated in said county and state, to wit:

Lot 1, Block 21, Original Town of Merrill, in the County of Klamath, State of Oregon.

PROPERTY ADDRESS: 234 Main Avenue, Merrill, OR 97633

There is a default by the grantor or other person owing an obligation or by their successor in interest, 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 grantors' failure to pay when due the following sums: monthly payments of \$360.28 beginning 04/01/96; plus late charges of \$18.01 each month beginning 04/16/96; plus prior accrued late charges of \$34.60; plus escrow advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

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: \$37,833.65 with interest thereon at the rate of 10.95% percent per annum beginning 03/01/96; plus late charges of \$18.01 each month beginning 04/16/96 until paid; plus prior accrued late charges of \$34.60; plus escrow advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

Notice is hereby given that the beneficiary and trustee, by reason of said 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 grantor executed 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 the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and reasonable fees of trustee's attorneys.

The sale will be held at the hour of 10:00 o'clock A.M., in accord with the standard of time established by ORS 187.110 on April 4, 1997, at the following place: the inside main lobby of the Klamath County Courthouse, 316 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.

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 every other default complained of herein by tendering the performance required under the obligation or trust deed, 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.

****THE BANK OF NEW YORK AS TRUSTEE FOR THE POOLING AND SERVICING AGREEMENT DATED AS OF 8-31-95 BY**

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 this trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

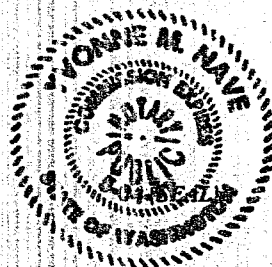


David E. Fennell - Trustee

STATE OF Washington
County of King

This instrument was acknowledged before me on Dec. 2, 1996 by
David E. Fennell, as Trustee.

John M. K. Jare
Notary Public for Seattle
My commission expires: 5/4/97



NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from

Marvin Wesley Patterson
Grantor

to
DAVID E. FENNELL
Trustee

File No. 7038.20083/Patterson

For Additional Information:

Vonnie M. Nave
ROUTH CRABTREE & FENNELL
1750 - 112TH AVENUE NE, SUITE A-208
BELLEVUE, WA 98004
(206) 453-5055

THIS IS AN ATTEMPT TO COLLECT AND INFORMATION OBTAINED WILL
BE USED FOR THAT PURPOSE

STATE OF OREGON : COUNTY OF KLAMATH:

Filed for record at request of Amerititle the 17th day
of December A.D., 19 96 at 11:29 o'clock A.M. and duly recorded in Vol. M96
of Mortgages on Page 39125

FEE \$15.00

County Clerk
by Bernetha Letsch

Kathleen Ross