

36392

Record and Return to:
STANDARD TRUSTEE SERVICE COMPANY WASHINGTON
2600 STANWELL DRIVE, SUITE 200
CONCORD, CA 94520
(800) 995-2670

Vol. M97 Page 11985

T.S. No: OTFS049332
Loan No: 3675400637

K-50514
NOTICE OF DEFAULT AND ELECTION TO SELL

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby;

A. PARTIES IN THE DEED OF TRUST:

GRANTOR(S): EMMETT D. KNESS, CYNTHIA A. KNESS

TRUSTEE: ASPEN TITLE & ESCROW

BENEFICIARY: TRANSAMERICA FINANCIAL SERVICES

B. DESCRIPTION OF THE PROPERTY:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

Property commonly known as: HWY 140, MILEPOST 54, BLY, OR 97622

C. TRUST DEED INFORMATION:

DATED DATE: January 30, 1996
RECORDING DATE: February 5, 1996
RECORDING NUMBER: Book: M96 Page: 3459
RERECORDED ON: Rec # Book: Page:
RECORDING PLACE: Official records of the County of KLAMATH
State of Oregon

D. DEFAULT: The Debtor(s) are in default and the Beneficiary elects to foreclose the Trust Deed for failure to pay.

1. Monthly Payments:
Monthly installments and late charges from September 5, 1995
and all subsequent installments and late charges.

TOTAL PAYMENTS AND LATE CHARGES \$1,996.00

2. Other Arrearages:

TOTAL OTHER ARREARS

3. TOTAL AMOUNT DUE: \$1,996.00

Plus all accrued real property taxes, interest or penalties until paid.

E. AMOUNT DUE: The beneficiary has declared all sums owing on the obligation and Trust Deed immediately due and payable, said sums being:

Principal Balance: \$12,297.91

In addition to said principal, interest at the rate of variable as provided in the Note or other instrument secured, shall be payable from 8/5/96 at 15.950 %, as well as all Trustee's fees and costs, Attorneys fees and costs, and all foreclosure costs.

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F. **ELECTION TO SELL:** NOTICE IS HEREBY 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 Oregon Revised Statutes Sections 86.705 et. seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in the described property which the Debtor(s) had, or had the power to convey, at the time of the execution of the Trust Deed together with any interest the Grantor or successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of the sale, including the compensations of the Trustee as provided by law, and the reasonable fees of the Trustee's Attorney.

G. **TIME AND PLACE OF SALE:**
TIME :10:00: AM TUESDAY August 26, 1997

PLACE: KLAMATH COUNTY COURTHOUSE
316 MAIN STREET
KLAMATH FALLS

OR

H. **RIGHT TO REINSTATE:** NOTICE IS FURTHER GIVEN That at any time prior to five days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Trustee 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 to the Trustee actually incurred by Beneficiary and Trustee in enforcing the obligation and Trust Deed, together with Trustee's fees and Attorney's fees.

Dated: April 9, 1997

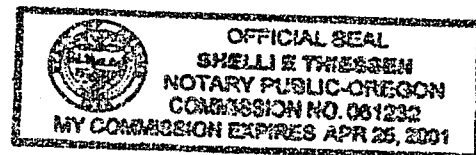
Victoria Hatch, Esq.
4710 S.W. Kelly Avenue
Portland, OR 97201
(503)224-1170

By: 

Victoria Hatch, Esq.

State of OREGON)
County of MULTNOMAH)ss

On this 9th day of April, in the year 1997, before me personally appeared Victoria Hatch, Esq., to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes herein mentioned.



Notary Public in and for the State of Oregon
Residing at 1411 SW Morrison St 411.0 Portland
My Commission Expires 4/25/01 or 97205

Legal Description of Real Property:

Beginning at a point on the Easterly line of Smith Street, Bly, Oregon, which is South 66 degrees 43' East 50 feet from the Southeast corner of Lot 6, Block 4, BLY, in the County of Klamath, State of Oregon; thence along the Westerly line of parcel heretofore conveyed to J. C. Edsall, et al., to C. W. Woodcock by deed recorded Volume 105 at Page 72, Deed Records of Klamath County, Oregon, South 295 feet, more or less, to a point on the Northerly line of Ager Street which is 50 feet North of the Northeast corner of that certain parcel of land heretofore conveyed to Paul Hamilton Gilbert by deed recorded in Volume 144 at Page 73, Deed Records of Klamath County, Oregon; thence North 88 degrees 20' West along the Northerly line of Ager Street 34 feet to the true point of beginning of this description; thence Northerly parallel with the Section line, 217.85 feet, more or less, to the Easterly line of Smith Street extended; thence South 23 degrees 17' West along the Easterly line of Smith Street extended, 236.3 feet, more or less, to an intersection with said Northerly line of Ager Street; thence South 88 degrees 20' East 96 feet, more or less, to the point of beginning.

CODE 58 MAP 3714-3AA TL 3100

TS Number: OTFS049332
Loan Number: 3675400637/KNESS

11988

March 27, 1997

FAIR DEBT COLLECTION PRACTICES ACT NOTIFICATION

Pursuant to and in compliance with the Fair Debt Collection Practices Acts (Federal [15 USC 1692]) the Trustee/Agent named in the Notice of Default hereby provides the following notification(s):

"We are attempting to collect a debt and any information we obtain will be used for that purpose."

"The debt described in the Notice of Default is assumed to be valid unless debtor disputes within 30 days and that, if disputed, debt collector will obtain and furnish to debtor the verification."

If written request is made within 30 days by debtor, name of original lender will be given if different than the current creditor."

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STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title the 21st day
of April A.D., 19 97 at 3:10 o'clock P. M., and duly recorded in Vol. M97
of Mortgages on Page 11985

FEE \$25.00

Bernetha G. Letsch, County Clerk
by Kathleen Kow