

36900

After Recording, Return to:

97 APR 30 P2:07 Vol. 1117 Page 13150

Melissa G. Fervat
PRESTON GATES & ELLIS, LLP
5000 COLUMBIA CENTER, 701 FIFTH AVENUE
SEATTLE, WA 98104

K-50590

NOTICE OF DEFAULT AND ELECTION TO SELL

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Reference is made to that certain trust deed made by Sharon K. Brown, as grantor, to Richard D. Guy, as trustee, in favor of America's Wholesale Lender, as beneficiary, dated 05/03/94, recorded 05/09/94, in the mortgage records of Klamath County, Oregon, in Volume N94 Page 14536, covering the following described real property situated in said county and state, to wit:

Lot 6 and the W1/2 of Lot 5 in Block 15, First Addition to the Town of Bonanza, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 31809 College Street, Bonanza, Oregon 97623

Lucy E. Kivel, Trustee, 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 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: monthly payments of \$274.23 beginning 01/01/97; plus late charges of \$11.28 each month beginning 01/16/97; 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: \$20,982.78 with interest thereon at the rate of 8.250 percent per annum beginning 12/01/96; plus late charges of \$11.28 each month beginning 01/16/97 until paid; together with title expense, costs, trustee's fees and attorneys 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 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 reasonable fees of trustee's attorneys.

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Said 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 Friday, August 29, 1997, at the following place: at the offices of Brandenena Brandenasa & Rudd, 411 Pine 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.

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.

Lucy E. Kivel
Lucy E. Kivel -- Trustee

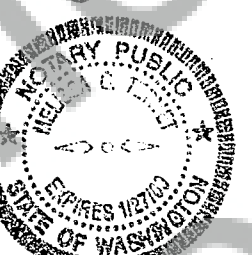
State of Washington)
) ss.
County of King)

This instrument was acknowledged before me on April 28, 1997, by

Lucy E. Kivel

Trustee

Melissa G. Tervet
Notary Public for Washington
My commission expires: 1-27-00



NOTICE OF DEFAULT AND
ELECTION TO SELL

Brown, Sharon K.

Grantor

TO

Lucy E. Kivel / 17183-40211,
Trustee

After recording return to:
Melissa G. Tervet

PRESTON GATES & ELLIS, LLP
5000 COLUMBIA CENTER, 701 FIFTH AVENUE
SEATTLE, WA 98104

STATE OF OREGON, ss.
County of Klamath

Filed for record at request of:

Klamath County Title

on this 30th day of April A.D., 1997
at 2:07 o'clock P. M. and duly recorded
in Vol. M97 of Mortgages Page 13150

Bernetha G. Leusch, County Clerk

By *Kathleen Rose*
Fee, \$15.00 Deputy: