

AFTER RECORDING RETURN TO:

MICHAEL J. BIRD, Attorney

P. O. BOX 1249

GRANTS PASS, OR 97526-0311

K-50814
NOTICE OF DEFAULT AND ELECTION TO SELL

REFERENCE is made to that certain Trust Deed made by JAMES D. GORTON and LILA L. GORTON, as grantor, and JOSEPHINE-CRATER TITLE COMPANY, an Oregon corporation, as trustee, in favor of FLOYD McCURDY, as beneficiary, dated September 23, 1996, recorded October 1, 1996, in the mortgage records of Klamath County, Oregon, in Volume M96, at page 31166, Official Records of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to-wit:

Beginning at a point on the Southeasterly line of Lot 14 in Block 76 of Buena Vista Addition to Klamath Falls, Oregon, which is North 55°38' East 107 feet from the most Southerly corner of said lot; thence North 55°38' East 36 feet along the Southeasterly line of said lot; thence North 35°11' West 66.45 feet; thence South 47°32' West 11.6 feet; thence South 45°38' East 1.79 feet; thence South 41°27' West 29.85 feet; thence South 39°20' East 56.1 feet to the point of beginning, being a portion of Lot 14, Block 76, BUENA VISTA ADDITION, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. (Account #3809-0298D-05800, Key No. R213147, Code 001)

The undersigned hereby certifies that no assignments of the aforementioned 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 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 aforementioned 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 the aforementioned 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:

- (a) Monthly payments of \$291.37 each commencing December 30, 1996, and thereafter.
- (b) Unpaid late penalty charge of \$58.32, plus 5% on each monthly payment thereafter not made within 15 days of due date.
- (c) 1996-97 delinquent real property taxes, plus interest thereon.

By reason of the default, the beneficiary has declared all sums owing on the obligations secured by the aforementioned Trust Deed immediately due and payable, those sums being the following, to-wit:

- (a) The principal sum of \$25,000, with interest thereon at the rate of 14.000 percent per annum beginning 11/30/96 until paid.
- (b) Unpaid late penalty charge of \$58.32, plus 5% on each monthly payment thereafter not made within 15 days of due date.
- (c) 1996-97 real property taxes, plus interest thereon.
- (d) Two (2) months interest if a foreclosure is initiated.
- (e) 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 beneficiary's interest therein.

Notice hereby is given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the aforementioned 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 10:00 o'clock, A.M., in accord with the standard of time established by ORS 167.110 on November 12, 1997, at the front steps of Klamath County Title Company, 422 Main, Klamath Falls, Klamath County, 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: NONE.

Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five (5) 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 aforementioned Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED this 16th day of June, 1997.

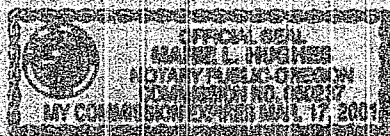
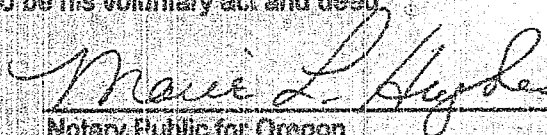


MICHAEL J. BIRD, Successor Trustee

STATE OF OREGON)

County of Josephine)

On this 16th day of June, 1997, personally appeared the above named Michael J. Bird, and acknowledged the foregoing instrument to be his voluntary act and deed.
Before Me:

Notary Public for Oregon

My Commission Expires: 03/17/2001

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title the 18th day
of June A.D. 19 97 at 3:07 o'clock P. M., and duly recorded in Vol. 1897
of Mortgages on Page 18877.

FEE \$20.00

By Bernetha G. Leuch, County Clerk
Kathleen Road