

## NOTICE OF DEFAULT AND ELECTION TO SELL

Re: Trust Deed from

mtc 42184

Phil K. Andersch  
Grantor

to

SPACE RESERVED FOR RECORDER'S USE

Mountain Title Company of  
Klamath County  
TrusteeAfter Recording Return To:  
Bradley S. Copeland  
800 Willamette Street, Suite 800  
Eugene, OR 97401

97 JUL 15 AM 1:46

Reference is made to that certain Trust Deed made by Phil K. Andersch, as Grantor, to Mountain Title Company of Klamath County, as Trustee, in favor of Liberty Savings and Loan Association, as Beneficiary, dated November 18, 1986, and recorded on November 18, 1986, in Volume M86, Page 21067, Microfilm Records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit:

**Lots 44 and 45, BALSIGER TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.**

The undersigned hereby certifies that no assignment 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 sum: The entire principal balance, interest and escrow payment in the amount of \$161,279.23.

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: Principal balance in the amount of \$148,319.92, plus interest on the principal balance at the rate of 11% per annum from December 1, 1996, until paid.

Notice hereby is 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 him of the Trust Deed, together with any interest the Grantor or his 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 the reasonable fees of Trustee's attorneys.

Said sale will be held at the hour of 1:00 P.M., in accord with the standard time established by ORS 187.110 on January 16, 1998, at the following place: Front Lobby of Klamath County Sheriff's Office, 808 S. 5th 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.

Other than as shown of record, neither the said Beneficiary nor the said 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:

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NAME AND LAST KNOWN ADDRESSNATURE OF RIGHT, LIEN OR INTEREST

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 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.

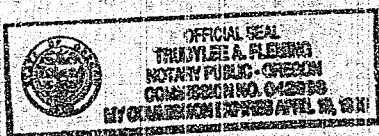
In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

DATED: August 12, 1997

Bradley S. Copeland  
Bradley S. Copeland, Successor Trustee

STATE OF OREGON )  
 ) ss.  
County of Lane )

This instrument was acknowledged before me on August 12, 1997, by Bradley S. Copeland, the Successor Trustee.



Thuy-Lee A. Fleming  
Notary Public for Oregon  
My Commission Expires: 4-19-99

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle the 15th day  
of August A.D. 19 97 at 11:46 o'clock A. M., and duly recorded in Vol. M97  
of Mortgages on Page 25849

FILE \$15.00

By Bonetha G. Letsch County Clerk  
Kendall Kross