

50086

AFTER RECORDING RETURN TO:
Valerie T. Auerbach [OLB]
Farleigh, Wada & Witt, P.C.
121 SW Morrison, Suite 600
Portland, OR 97204

'97 DEC 12 P3:41 Vol. m97 Page 40636

MTC 43166

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to a certain trust deed ("Trust Deed") made, as follows:

Trust Deed dated July 16, 1991, by Michael Allen Allred and Yvonne M. Allred, as grantor, to Aspen Title & Escrow, Inc., as trustee, in favor of Denene Marie Irion, as beneficiary, recorded on July 25, 1991, in Volume M91, Page 14556, in the mortgage records of Klamath County, Oregon. The beneficial interest under said Deed of Trust was assigned to The Bank of New York by assignment recorded on May 27, 1997 in Volume M97, Page 16041, microfilm records of Klamath County, Oregon.

The Trust Deed covers the following described real property ("Property") situated in said county and state, to-wit:

Sec Exhibit A attached hereto and incorporated by this reference.

The real property is commonly known as: 4863 Wocus Rd., Klamath Falls, OR 97601.

There are defaults by the grantor or other person owing an obligation, the performance of which is secured by the Trust Deed, with respect to provisions therein which authorize sale in the event of default of such provision; the defaults for which foreclosure is made is grantor's failure to pay when due the following sums:

Arrearage in the sum of \$6,324.13 as of December 5, 1997, plus additional payments, property expenditures, taxes, liens, assessments, insurance, attorney's and trustee's fees and costs, and interest due at the time of reinstatement or sale.

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

Payoff in the sum of \$58,378.24 as of December 5, 1997, plus taxes, liens, assessments, property expenditures, insurance, accruing interest, attorney's and trustee's fees and costs incurred by beneficiary or its assigns.

Notice hereby is given that the beneficiary and trustee, by reason of said defaults, 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 above-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 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 10:00 o'clock, a.m., in accord with the standard of time established by ORS 187.110 on April 21, 1998, at the following place: main entrance of the Klamath County Courthouse, 317 South 7th 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 Property subsequent to the interest of the trustee in the Trust Deed, or of any successor in interest to the grantor or of any lessees or other persons in possession of or occupying the Property.

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 and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligations or Trust Deed, and in addition to paying said sum or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligations 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 each and every grantor, any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Deeds of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR.

DATED: December 11, 1997.

Valerie T. Auerbach
Valerie T. Auerbach, Successor Trustee

STATE OF OREGON)
County of Multnomah) ss.

This instrument was acknowledged before me on December 11, 1997, by Valerie T. Auerbach.



Sharon K. Powell
Notary Public for Oregon
My Commission Expires: 10-23-98

40638

LEGAL DESCRIPTION

A tract of land described as follows: Beginning at a point which lies South 1 degree 21' West along the quarter line a distance of 605.5 feet and North 89 degrees 09' West a distance of 20 feet from the iron axle which marks the quarter corner common to Sections 7 and 18, Township 38 South, Range 9 East of the Willamette Meridian, and running thence: Continuing North 89 degrees 09' West a distance of 738.84 feet to a point on the Easterly right of way line of the Dalles-California Highway; thence following the Easterly right of way line of the Dallas-California Highway South 6 degrees 02' West a distance of 110 feet to a point; thence South 88 degrees 25' East a distance of 327.7 feet to a point; thence South 6 degrees 02' West parallel to the Easterly right of way line of the Dalles-California Highway distance of 585.55 feet to a point on the forty line; thence North 89 degrees 41' East along the forty line a distance of 468 feet to a point; thence North 1 degrees 21' East a distance of 687.5 feet, more or less, to the point of beginning, said tract, in the NE1/4 NW1/4 of Section 18, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle the 12th day
of December A.D., 19 97 at 3:41 o'clock P. M., and duly recorded in Vol. M97
of Mortgages on Page 40636.

FEE \$20.00

Bernetha G. Letsch, County Clerk
By Kathleen Ross

EXHIBIT APAGE 1OF 1