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98 FEB 13 P350

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After recording return to:

**ROUTH CRABTREE & FENNELL**

Attn: Shannon Blood

PO Box 4143

Bellevue, WA 98009-4143

MTC 43493

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to that certain trust deed made by Roger D. Hargraves and Sherry M. Hargraves, husband and wife, as grantors, to Mountain Title Company, as trustee, in favor of Koza Investments, a California corporation, as beneficiary, dated 10/30/95, recorded 11/28/95, in the mortgage records of Klamath County, Oregon, in Vol. M95 Page 32484, and subsequently assigned to GMAC Mortgage Corporation, a Pennsylvania corporation, aka GMAC Mortgage Corporation by Assignment recorded as Vol. M97, Page 27277, covering the following described real property situated in said county and state, to wit:

All that portion of land lying North of drain ditch in the Northeast corner of Lot 2 in Section 23, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County.

**PROPERTY ADDRESS:** 7418 Homedale Road  
Klamath Falls, OR 97603

There is a default by the grantor or other person owing an obligation or by their successor in interest, 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 grantors' failure to pay when due the following sums: monthly payments of \$669.96 beginning 9/1/97; plus late charges of \$26.80 each month beginning 9/16/97; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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: \$71,655.59 with interest thereon at the rate of 8.5 percent per annum beginning 8/1/97; plus late charges of \$26.80 each month beginning 9/16/97 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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 OF DEFAULT AND ELECTION TO SELL****RE: Trust Deed from****Hargraves, Roger D. and Sherry M.  
Grantor**

to

**DAVID E. FENNELL  
Trustee**

File No. 702129294

**For Additional Information:****Shannon Blood  
ROUTH CRABTREE & FENNELL  
PO Box 4143  
Bellevue, WA 98009-4143  
(425) 453-6055**

Notice is hereby given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose the 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 grantor executed 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 the 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.

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 187.110 on 6/26/98, at the following place: inside the 2nd floor lobby 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 the 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 every other default complained of herein by tendering the performance required under the obligation or trust deed, 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.



David E. Fennell - Trustee

STATE OF WASHINGTON )

COUNTY OF KING ) ss.

This instrument was acknowledged before me on 2/10, 1998, by David E. Fennell, as Trustee.

Shannon S. H. Blood  
Notary Public for Washington

My commission expires: 05-01-01



(SEAL)

THIS IS AN ATTEMPT TO COLLECT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

STATE OF OREGON; COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle the 13th day of February A.D., 1998 at 3:50 o'clock P. M., and duly recorded in Vol. M98 of Mortgages on Page 4819

FEE \$15.00

By Bernetha G. Letch County Clerk  
Kestlin Kestlin