

ON

REGISTERED WITH CLERK OF COURT

HIGHER COURT

JULY 1998

54539

MAR 12 P2:45

NOTICE OF DEFAULT AND ELECTION TO SELL

Vol. M98 Page 8108Reference is made to that certain trust deed made by Eddie L. Wilcher

Ocean Title & Escrow*, as grantor, to
in favor of CSK Market, Inc., 401(k) Profit Sharing Plan and Trust, as trustee,
dated April 9, 1997, recorded April 10, 1997, in the mortgage records of
Klamath County, Oregon, in book/reel/volume No. M97, at page 10709, or as
~~trustee, beneficiary, or assignee of~~ ~~trustee, beneficiary, or assignee of~~ covering the following described real
property situated in said county and state, to-wit:

Lot 130, RUNNING Y RESORT, PHASE 2, according to the official plat thereof on file in the
office of the County Clerk of Klamath County, Oregon.

*James R. Werlings appointed Successor Trustee on February 24, 1998, recorded on March 4,
1998 in Klamath County, Oregon in Volume M98, page 7066; in the Mortgage records of
Klamath County, Oregon.

The undersigned 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 situate; 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:

(See attached Exhibit A)

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:

\$150,000 plus interest at 12% per annum from July 25, 1997 until paid, plus all property
taxes, attorney fees incurred in this foreclosure and in Klamath County Circuit Court
Case #9800119CV, and all costs and expenses incurred in both proceedings, and any sums
advanced by Beneficiary to pay any liens that the Grantor has allowed to occur against
the property.

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 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 the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10 o'clock, A.M., in accord with the standard of time established
by ORS 187.110 on August 5, 1998, at the following place: 110 N. 6th Street

Klamath in the City of Klamath Falls, County of
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:

NAME AND LAST KNOWN ADDRESS

NATURE OF RIGHT, LIEN OR INTEREST

None

FOR RECORD:

NOTICE OF FORECLOSURE TO BE MADE WITHIN THE PERIOD OF FIVE DAYS AFTER 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.

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.

DATED: March 12, 1998

James R. Uerlings, Successor Trustee

Trustee Beneficiary (state which)

STATE OF OREGON, County of Klamath ss.

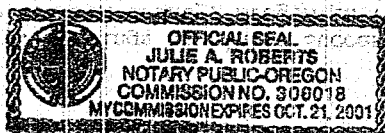
This instrument was acknowledged before me on March 12, 1998,

by James R. Uerlings

This instrument was acknowledged before me on _____, 19____,

by _____

as _____



Julie Roberts

Notary Public for Oregon

My commission expires 10/21/01

NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

STEVE & NESS LAW P.C., PORTLAND, OR.

Re: Trust Deed From

Eddie L. Wilcher

Grantor

To
James R. Uerlings

Trustee

AFTER RECORDING RETURN TO

James R. Uerlings
110 N 6th Street
Klamath Falls, OR 97601

SPACE RESERVED
FOR RECORDER'S USE

STATE OF OREGON,

County of _____ ss.

I certify that the within instrument was received for record on the _____ day of _____, 19____,

at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on

page _____ or as fee/file/instrument/microfilm/reception No. _____

Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME TITLE
By W. L. Roberts Deputy

Exhibit A

1. Monthly interest payments on \$150,000 at 12% per annum from July 25, 1997 to October 9, 1997.
2. Monthly regular payments of \$1,600 for the months of October 1997 through March 1998 and thereafter at the same rate until paid up to date, due on the 9th day of each month.
3. Real property taxes of \$553.63 plus interest for the 1997-1998 tax year.
4. Construction lien of Mark Wendt Construction, Inc., dated September 10, 1997, recorded September 12, 1997 in Vol M97 at Page 29971 in Klamath County, Oregon in the original amount of \$13,600 plus interest and costs.
5. All attorney fees and related costs incurred by the Beneficiary in defending a foreclosure suit brought by the party described in #4 in Klamath County Circuit Court Case #9800119CV plus interest thereon at 12% per annum from date of payment by the beneficiary.
6. Attorney fees, Trustees' fees and costs of this foreclosure and interest thereon at 12% per annum from date of payment by the beneficiary.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 12th day
 of March A.D., 19 98 at 2:45 o'clock P. M., and duly recorded in Vol. M98
 of Mortgages on Page 8108

FEE \$20.00

By Bernetha G. Letsch, County Clerk
Kathleen Krasa