

NS

55123

98 MAR 24 A11:45

Vol. M98 Page 9385NOTICE OF DEFAULT
AND ELECTION TO SELL

RE: Trust Deed from

Rodney D. Miller and
Kelly A. Miller

To

Grantor

Aspen Title & Escrow, Inc.,
Trustee,
Blair M. Henderson

Successor

Trustee

After recording, return to (Name, Address, Zip):

Blair M. Henderson, Attorney
426 Main Street
Klamath Falls, OR 97601
(541) 884-7731SPACE 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
_____ and/or as fee/file/instru-
ment/microfilm/reception No. _____,
Records of said County.Witness my hand and seal of County
affixed.

NAME

TITLE

By _____, Deputy.

Reference is made to that certain trust deed made by Rodney D. Miller and Kelly A. Miller, as grantor, to Aspen Title & Escrow, Inc., * as trustee, in favor of Connie T. Nalette, as beneficiary, dated December 12, 1996, recorded December 16, 1996, in the Records of Klamath County, Oregon, in book/reel/volume No. M96 at page 39058, and/or as fee/file/instrument/microfilm/reception No. n/a (indicate which), covering the following described real property situated in the above-mentioned county and state, to-wit:

Lot 3, OLD ORCHARD MANOR, in the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

*Blair M. Henderson was appointed as successor trustee, dated March 10, 1998, recorded March 18, 1998, in Records 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 Records of the county or counties in which the above-described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the 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 grantor or other person owing an obligation, performance of which is secured by the 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: delinquent installments of \$239.33 each, for the months of 1/16/98, 2/16/98 and 3/16/98; and delinquent taxes of \$574.36, plus interest, for tax year 1997-98.

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit: \$35,900.00, plus interest at the rate of 8.00% per year from December 16, 1997, until paid; plus delinquent taxes in the sum of \$574.36, plus interest, for tax year 1997-98.

(OVER)



Notice hereby is given that the beneficiary and trustee, by reason of the 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 grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest 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 187.110 on August 25, 19 98, at the following place: front steps of Klamath Falls Post Office, 317 S. 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.

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 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 |
|---|-----------------------------------|
| John Doe, 1121 Washburn Way, Klamath Falls, OR 97603 | Renter |

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 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 fees not exceeding the amounts provided by ORS 86.753.

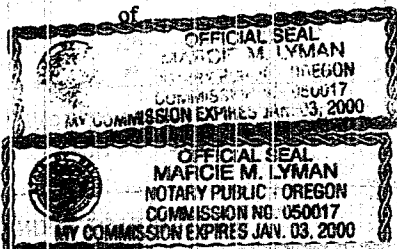
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated March 23, 19 98.

Blair M. Henderson
BLAIR M. HENDERSON

☒ Trustee ☐ Beneficiary (indicate which)
Successor

STATE OF OREGON, County of Klamath ss.
This instrument was acknowledged before me on March 23, 19 98
by BLAIR M. HENDERSON
This instrument was acknowledged before me on _____, 19 _____,
by _____
as _____
of _____



Marcie M. Lyman
Notary Public for Oregon

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 24th day
of March A.D., 19 98 at 11:45 o'clock A M., and duly recorded in Vol. M98
of Mortgages on Page 9385.

FEE \$15.00

By Bernetha G. Letsch, County Clerk
Kathleen Ross