

57089

**AFTER RECORDING RETURN TO:**

Valerie T. Auerbach [DL]  
Farleigh, Wada & Witt, P.C.  
121 SW Morrison, Suite 600  
Portland, OR 97204

'98 APR 27 P 3:22

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ATE 47453

**NOTICE OF DEFAULT AND ELECTION TO SELL**

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

Trust Deed dated December 4, 1996, by Michael Homer Blue, as grantor, to Amerititle, an Oregon corporation, as trustee, in favor of Western Homes, Inc., an Oregon corporation as to an undivided one-half interest and Glenn G. Justus and Joanna L. Justus, as tenants by the entirety, as to an undivided one-half interest, as beneficiary, recorded on December 12, 1996, in Volume M96, Page 38670, Recorder's No. 29844, in the mortgage records of Klamath County, Oregon. The beneficial interest under said Deed of Trust was assigned to Western United Life Assurance Company by assignment recorded December 12, 1996, Volume M96, Page 38677, Recorder's No. 29846, of said Records.

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

See Exhibit A attached hereto and incorporated by this reference.

The real property is commonly known as: 89 Del Fatti Lane, Klamath Falls, OR 97603.

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 \$4,152.12 as of April 15, 1998, 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 \$66,404.65 as of April 15, 1998, plus taxes, liens, assessments, property expenditures, insurance, accruing interest, attorney's and trustee's fees and costs incurred by beneficiary or its assigns.



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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 September 15, 1998, at the following place: Main entrance to Aspen Title & Escrow, Inc., 525 Main 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.

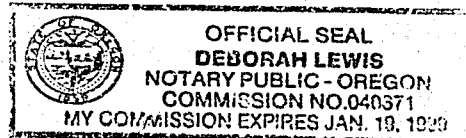
DATED: April 23 1998

Valerie T. Auerbach  
Valerie T. Auerbach, Successor Trustee

STATE OF OREGON )  
County of Multnomah ) ss.

This instrument was acknowledged before me on April 23, 1998, by Valerie T. Auerbach.

Deborah Lewis  
Notary Public for Oregon  
My Commission Expires: 1/19/99



## EXHIBIT "A"

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A piece or parcel of land situated in the S 1/2 of the SW 1/4 of Section 30, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Commencing at the point of intersection of the section line marking the Southerly boundary of said Section 30, with a line parallel with and 50 feet distant at right angles Southeasterly from the center line of the Klamath Falls-Midland section of the Oregon State Highway, as the same is now located and constructed, from which point of intersection the Southwesterly corner of the said Section 30 bears South 89 degrees 42 1/2' West, 827.1 feet, more or less, and running thence North 89 degrees 42 1/2' East 344.87 feet along said section line to the true point of beginning of this description; thence North 36 degrees 49 1/2' East 163.03 feet, more or less, to a point in a line parallel with and 130.00 feet distant at right angles Northerly from said section line; thence North 89 degrees 42 1/2' East along said parallel line 74.32 feet; thence South 0 degrees 17 1/2' East 130.00 feet, more or less, to a point in the said section line; thence South 89 degrees 42 1/2' West along the said section line 172.70 feet, more or less, to the said point of beginning.

CODE 164 MAP 3909-3000 TL 1600

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 27th day  
of April A.D., 19 98 at 3:22 o'clock P.M., and duly recorded in Vol. M98  
of Mortgages on Page 13892.

FEE \$20.00

By Bernetha G. Letsch, County Clerk  
Kathleen Ross