

ATC # 04047682
TRUSTEE'S NOTICE OF DEFAULT

AND ELECTION TO SELL

Rodney D. Miller and Kelly Miller, as grantor, made, executed and delivered to Aspen Title & Escrow, Inc., as trustee, to secure the performance of certain obligations including the payment of the principal sum of \$18,356.00 in favor of Vernon G. Ludwig and Ofelia Ludwig, husband and wife, as beneficiary, that certain trust deed dated June 6, 1996, and recorded June 10, 1996, in the official records of Klamath County, Oregon, in Volume M-96, Page 16919 covering the following described real property situated in said county:

Lots 3 and 4, Block 17, FAIRVIEW ADDITION NO. 2 to the City of Klamath Falls, in the County of Klamath, State of Oregon.

There is a default by the grantor owing the obligations in that the grantor has failed to pay, when due, the following sums thereon:

Monthly installments of \$183.56 per month, beginning with the installment due February 10, 1998, which were due on the 10th day of each month thereafter.

which are now past due, owing and delinquent. Grantor's failure just described is the default for which the foreclosure mentioned below is made, in addition to Grantor's failure to pay delinquent property taxes, if any.

By reason of said default, the beneficiary has declared all obligations secured by said trust deed immediately due, owing and payable, said sums being the following, to wit:

\$18,348.60, together with interest thereon at the rate of 12% per annum from January 8, 1998, until paid, plus a late fee of 5% of any payment amount not paid within 15 days of its due date, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said trust deed.

Notice hereby is given that the undersigned, by reason of said default, has elected and hereby does elect to foreclose said trust deed by advertisement and sale pursuant to Oregon Revised Statutes Section 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 him

Notice of Default

Election to Sell - Patricia A. Gilstrap, Hearn & Welty

LAW OFFICES OF
PATRICIA A. GILSTRAP, HEARN & WELTY
A Professional Corporation
515 EAST MAIN STREET
ASHLAND, OREGON 97520

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of the trust deed, together with any interest the grantor or his 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 a reasonable charge by the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 11:15 o'clock, a.m., Pacific Daylight Time, as established by Section 187.110 of Oregon Revised Statutes, on October 15, 1998, at the following place: Aspen Title & Escrow, 525 Main Street, Klamath Falls, OR 97601.

Other than as shown of record, the trustee has no 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:

<u>NAME AND LAST KNOWN ADDRESS</u>	<u>NATURE OF RIGHT, LIEN OR INTEREST</u>
Rodney D. Miller and Kelly A. Miller 8212 Teal Drive Bonanza OR 97623	Grantor, Fee Simple
Hazel Martisak 1030 Martin Klamath Falls OR 97601	Jr. Trust Deed Holder
Occupants 1320 Pleasant Avenue Klamath Falls OR 97601	Occupants

Notice is further given that any person named in Section 86.760 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had no

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Notice of Default

Election to Sell - Page 2

LAW OFFICES OF
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default occurred), together with costs, trustee's and attorney's fees, at any time prior to five days before the date set for said sale.

DATED: May 9, 1998.

JACK DAVIS, Successor Trustee

STATE OF OREGON)

COUNTY OF JACKSON) §

Personally appeared the above-named JACK DAVIS and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:



Joan Christopher
Notary Public for Oregon
My Commission Expires: 9/17/98

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow
of May A.D., 19 98 at 11:19 o'clock A M., and duly recorded in Vol. M98
of Mortgages on Page 16476

FEE \$20.00

By Bernetha G. Letsch, County Clerk
Kathleen Ross

Notice of Default

Election to Sell - PAID

LAW OFFICES OF
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