

'98 JUL 27 P2:39

FORM No. 884 - NOTICE OF DEFAULT AND ELECTION TO SELL.

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AMENDED**
NOTICE OF DEFAULT
AND ELECTION TO SELL

'98 JUL -7 P3:33

Vol. M98 Page 23981

RE: Trust Deed from

D. Scott Duff and Elizabeth Duff

To

Grantor

Klamath County Title Company

Trustee

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

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
_____ 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.

K-52527

Reference is made to that certain trust deed made by D. Scott Duff and Elizabeth Duff,
husband and wife,

Klamath County Title Company*

in favor of Daniel J. Johnson and Carol M. Johnson

dated October 3

19 94, recorded October 4

Klamath County, Oregon, in book/reel/volume No. M94, 19 94, in the Records of

Klamath County, and/or as

situated in the above-mentioned county and state, to-wit:

Lots 20, 21, 22, 23 and 24, Block 38, CITY OF MALIN, according to the official plat
thereof on file in the office of the County Clerk of Klamath County, Oregon.

*James R. Uerlings appointed Successor Trustee on July 1, 1998, recorded on July 1,
1998 in Klamath County, Oregon in Volume M98, page 23203; in the mortgage records
of Klamath County, Oregon.

**Recorded due to change in default information.

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appoint-
ments 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:

- 1) Monthly payment of \$400 each for Feb. through June, 1998 and each month thereafter,
plus attorney's fees, trustees fees and other costs of foreclosure.
- 2) 1997-98 real property taxes in the amount of \$606.25 plus interest after 06/15/98.
- 3) City of Malin water and sewer assessments of \$390.40 plus interest and late fees.
- 4) Failure to provide proof of full insurance coverage on the property.

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:

\$30,508.05 plus interest at 10% per annum from March 19, 1998 until paid, plus all
property taxes, attorney fees, all costs and expenses, and any sums advanced by
Beneficiary to pay any liens that the Grantor has allowed to occur against the property.

(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 11 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on December 1, 1998, at the following place: 110 N. 6th 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

None

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 July 6, 1998.

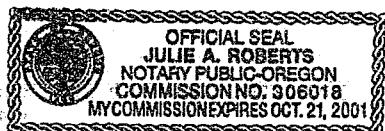
James R. Uerlings, Successor Trustee

☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath ss.

This instrument was acknowledged before me on July 6, 1998, by James R. Uerlings

This instrument was acknowledged before me on _____, 19____, by _____ as _____ of _____



Julie A. Roberts
Notary Public for Oregon (expiring 10/21/01)

STATE OF OREGON: COUNTY OF KLAMATH: ss.



Best of First American Title the 7th day of July, 1998 at 3:33 o'clock P. M., and duly recorded in Vol. M98 of Mortgages on Page 23981

INDEXED

By Kathleen Ross Bernetha G. Letsch, County Clerk

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of First American Title the 27th day of July, 1998 at 2:39 o'clock P. M., and duly recorded in Vol. M98 of Mortgages on Page 27437

By Kathleen Ross Bernetha G. Letsch, County Clerk

FEE

\$15.00