

## 98 AUG -4 A10:19 NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by BRUCE E. BRINK AND HELEN WOLTER, not as tenants in common, but with full rights of survivorship, as Grantor, to ASPEN TITLE & ESCROW, INC., as Trustee, in favor of WILLIAM B. KENNEY and CHERYL M. KENNEY, husband and wife, but with full rights of survivorship, as Beneficiary, dated May 24, 1995, recorded June 1, 1995, in the Mortgage Records of Klamath County, Oregon in Vol.M-95, page 14467, covering the following described real property situated in said county and state, to-wit:

Lot 365, Block 122, MILLS ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon. Code 1 Map 3809-33AD TL 7600.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default of which the foreclosure is made is grantor's failure to pay when due the following sums:

Balloon payment in the amount of \$11,368.62 due on June 1, 1998, plus interest accruing at the rate of 9% per annum from July 7, 1998, plus real estate taxes for the year 1995-96 in the amount of \$496.21 plus interest in the amount of \$198.49, taxes for the year 1996-97 in the amount of \$414.84 plus interest in the amount of \$99.57, taxes for the year 1997-98 in the amount of \$410.66 plus interest in the amount of \$32.84, plus accruing interest on all the above. Account No. 3809-33AD-7600. Key No. 481259.

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:

\$11,430.20 plus interest at the rate of \$2.80 per diem from July 7, 1998, plus real estate taxes for the year 1995-96 in the amount of \$496.21 plus interest in the amount of \$198.49, taxes for the year 1996-97 in the amount of \$414.84 plus interest in the amount of \$99.57, taxes for the year 1997-98 in the amount of \$410.66 plus interest in the amount of \$32.84, plus accruing interest on all the above. Account No. 3809-33AD-7600. Key No. 481259.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 17, 1998, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at Klamath Falls Post Office, front steps, 317 South Seventh, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. 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 to 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

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Klamath Falls OR 97601

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sums of 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 masculine gender includes the feminine and the neuter, 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 which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: Aug 4, 1998

  
Successor Trustee

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Richard Fairclo  
Attorney at Law  
280 Main Street  
Klamath Falls OR 97601

# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

28496

STATE OF OREGON

County of Klamath

}  
} ss.  
}

that:

I, RICHARD FAIRCLO, being duly sworn, depose and say and certify

At all times hereinafter mentioned I was and am now a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor of interest named in the foregoing original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of the sale of the real property described in the foregoing notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons at their respective last known addresses, to-wit:

Bruce E. Brink  
1643 Manzanita  
Klamath Falls OR 97601

Helen Wolter  
1643 Manzanita  
Klamath Falls OR 97601

Occupant  
~~2348~~ Orchard  
Klamath Falls OR 97601

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice (c) any person, including the Department of Revenue or any other state agency, having a lien or interest, subsequent to the trust deed if the lien or interest appears of record of the beneficiary has actual notice of the lien or interest, and (d) any person request notice, as required by ORS 86.785.

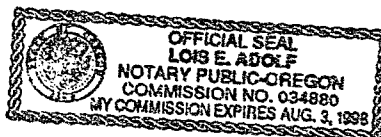
Each of the notices so mailed was certified to be true copy of the original notice of sale by RICHARD FAIRCLO, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States Post Office at Klamath Falls, Oregon, on August 4, 1998, as mailed with a proper form to request and obtain a return receipt and postage thereon i the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

SUBSCRIBED AND SWORN to before me this 4th day of August, 1998.

Lois E. Adolf  
Notary Public of Oregon  
My Commission expires:

Richard Fairclo  
Attorney at Law  
280 Main Street  
Klamath Falls OR 97601



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the \_\_\_\_\_ day  
of August A.D., 19 98 at 10:19 o'clock A M., and duly recorded in Vol. M98  
of \_\_\_\_\_ Mortgages on Page 28494.

FEE \$20.00

By Bernetha G. Letsch, County Clerk