

**NOTICE OF DEFAULT AND ELECTION TO SELL  
AND  
APPOINTMENT OF SUCCESSOR TRUSTEE**

**A) Notice of Default and Election to Sell**

98 OCT 15 P2:12  
Reference is made to that certain trust deed (the "Trust Deed") made, executed and delivered by RODNEY J. FRIESEN and PAMELA L. FRIESEN, as Grantor, to U.S. BANK OF WASHINGTON, N.A., as Trustee, to secure certain obligations in favor UNITED STATES NATIONAL BANK OF OREGON, as Beneficiary, dated September 6, 1994, and recorded September 7, 1994, in Volume M94, page 28051 of the mortgage records of Klamath County, Oregon, covering the following described real property in such county and state:

Lots 30, 31 and 32 in Block 6 of INDUSTRIAL ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the county clerk of Klamath County, Oregon.

U.S. BANK NATIONAL ASSOCIATION is successor by merger to United States National Bank of Oregon and is now the Beneficiary of the Trust Deed.

**NOTICE IS HEREBY GIVEN that:**

1. There is a default by the Grantor with respect to one or more provisions in the Trust Deed, which Trust Deed authorizes sale in the event of default of such provisions.

2. The defaults for which the foreclosure mentioned below is elected are:

(a) The failure of the Grantor to pay when due 16 monthly payments of \$407.23 each, due on July 1, 1997, and on the first day of each month thereafter. As of October 9, 1998, the total amount of monthly payments in default was \$6,515.68.

(b) The failure of the Grantor to pay late charges in the amount of \$305.40, as of October 9, 1998, plus costs totaling \$1,950 for a Phase I Environmental report, \$277.50 for a preliminary title report, \$257.00 for a trustee's sale guarantee, and \$42.75 for a UCC search.

(c) The failure of Grantor to pay property taxes on the property subject to the trust deed. As of October 9, 1998, the amount of such taxes totaled \$1,940.93.

3. By reason of said default, Beneficiary hereby declares the indebtedness secured by the Trust Deed immediately due and payable.

4. The sum immediately due, owing and payable on said indebtedness is \$41,245.02, together with interest thereon at the rate of 10.03 percent per annum from October 9, 1998, until paid.

**NOTICE IS FURTHER GIVEN that:**

1. Beneficiary, by reason of said default, hereby elects to foreclose the Trust Deed by advertisement and sale in the manner provided in ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in said described property which Grantor had, or had power to convey, at the time of the execution by them of the Trust Deed, together with any interest the Grantor or their successors 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 a Trustee's fee as provided by law, and the reasonable fees of Trustee's attorneys.

62095

37818

2. The sale of the above described real property will be held at the hour of 10:00 A.M., Standard Time as established by ORS 187.110, on MARCH 12, 1999, at the following place: Front steps of the Klamath County Courthouse, in the City of Klamath Falls, County of Klamath, State of Oregon.

NOTICE IS FURTHER GIVEN that Grantor, or any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee's sale, to require that the foreclosure proceeding be dismissed and the Trust Deed reinstated by the payment of the entire amount then due (other than such portion of the principal as would not be due had no default occurred) under the terms of the Trust Deed and obligations secured thereby, including all costs and expenses actually incurred and Trustee's and attorneys' fees as provided by ORS 86.753, and by curing any other default complained of in the notice of default.

In construing this notice, the word "Grantor" shall include any successor in interest of Grantor as well as any other person owing an obligation the performance of which is secured by the Trust Deed and their successors in interest; the word "Trustee" shall include any successor Trustee, and the word "Beneficiary" shall include any successor in interest of Beneficiary named in the Trust Deed.

THE UNDERSIGNED HEREBY CERTIFIES that:

1. No action has been instituted to recover the debt, or any part of it, remaining secured by the Trust Deed, or, if such action has been instituted, the action has been dismissed.
2. The undersigned is the present Beneficiary of the Trust Deed and is the owner and holder of the Trust Deed and the promissory note described therein.

B) Appointment of Successor Trustee

THE UNDERSIGNED HEREBY APPOINTS Wendell G. Kusnerus as Successor Trustee under the Trust Deed described in the foregoing Notice.

The Beneficiary hereby gives all the notices and takes all of the actions set out in A and B above.

NOTICE AND APPOINTMENT DATED this 9th day of October, 1998.

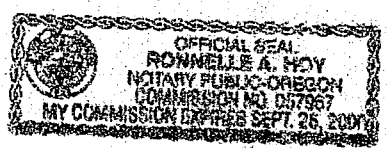
U.S. BANK NATIONAL ASSOCIATION,  
successor by merger to United States National Bank  
of Oregon, Beneficiary

By: Nancy I. Miskell  
Nancy I. Miskell  
Special Assets Group Officer

STATE OF OREGON )  
 ) ss.:  
COUNTY OF MULTNOMAH )

On this 9th day of October, 1998, before me personally appeared Nancy I. Miskell who, being first duly sworn, did say that she is a Special Assets officer of U.S. Bank, National Association, a national banking association, and that the foregoing instrument was signed on behalf of said U.S. Bank National Association by authority of its board of directors and she acknowledged said instrument to be its voluntary act and deed.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal, the date first hereinabove written.



Ronnelle A. Hoy  
Notary Public for Oregon  
My commission expires: Sept. 26, 2000

[illegible]

THE NEW YORK PUBLIC LIBRARY, ASTOR LENOX AND TILDEN FOUNDATIONS, 455 FIFTH AVENUE, NEW YORK 17, N.Y.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of U.S. Bancorp. the 15th day  
of October A.D., 19 98 at 2:12 o'clock P. M., and duly recorded in Vol. M98  
of Mortgages on Page 37817

FEE \$25.00

By Kathleen Rora Bernatha G. Letsch, County Clerk

It is to be noted that the above information is for information only and is not to be used for any other purpose.

2. The mechanism is the present Boarding of the ship and the

THE INFORMATION HEREBY APPLICANTS WARRANT AS TRUE AND CORRECT.

[illegible]

ATTACH AND REPORT DATED 28 SEP 68 OF 1000000 1968

U.S. BANK NATIONAL ASSOCIATION  
Member FDIC

[illegible]

On the 25th day of October, 1935, before me personally appeared Mary J. Mahan and she being duly sworn, she says that she is a Special Agents Office of U. S. Bank National Association, a national banking association and that the foregoing statement was signed on the 25th day of October, 1935, at New York City, New York, in the presence of me, the undersigned, a Notary Public in and for the State of New York, and that the contents of the foregoing statement are true and correct.

IN TESTIMONY WHEREOF I have hereunto set my hand and official seal at Washington, D.C., this 11th day of May, 1964.

[illegible]