

68994

Vol. M98 Page 40190

'98 NOV -2 P 3:39

After recording return to:

ROUTH CRABTREE & FENNELL

Attn: B J Rubl

PO Box 4143

Bellevue, WA 98009-4143

MTC 46048

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Monica F. Dawson, as estate in fee simple, as grantors, to Lucy E. Kivel, Esq., as trustee, in favor of TMS Mortgage Inc., dba The Money Store, as beneficiary, dated 12/9/97, recorded 12/18/97, in the mortgage records of Klamath County, Oregon, in Volume M97, Page 41118, and subsequently assigned to The Bank of New York as Trustee under Pooling and Servicing Agreement dated as of November 30, 1997, Series 1997-D by Assignment, covering the following described real property situated in said county and state, to wit:

Lot 3, Block 12, Tract No. 1064, First Addition to Gatewood, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

PROPERTY ADDRESS: 5444 Sherwood Drive
Klamath Falls, OR 97603

There is a default by the grantor or other person owing an obligation or by their successor in interest, the performance of which is secured by said trust deed, or by their 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 grantors' failure to pay when due the following sums: monthly payments of \$933.03 beginning 5/1/98; plus late charges of \$46.65 each month beginning 5/16/98; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

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: \$101,836.53 with interest thereon at the rate of 10.5 percent per annum beginning 4/1/98; plus late charges of \$46.65 each month beginning 5/16/98 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

NOTICE OF DEFAULT AND ELECTION TO SELL**RE: Trust Deed from**

Dawson, Monica F.

Grantor

to

DAVID E. FENNELL,**Trustee**

File No. 715220179

For Additional Information:

B J Rubl

ROUTH CRABTREE & FENNELL

PO Box 4143

Bellevue, WA 98009-4143

(425) 586-1900

Notice is hereby given that the beneficiary and trustee, by reason of said 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 the grantor had, or had the power to convey, at the time grantor executed the trust deed, together with any interest the grantor or grantor's 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 the compensations of the trustee as provided by law, and reasonable fees of trustee's attorneys.

The 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 3/5/99, at the following place: inside the 2nd floor lobby of the Klamath County Courthouse, 317 South 7th 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.

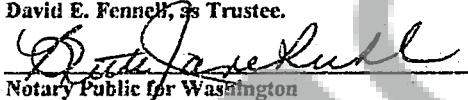
Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing every other default complained of herein by tendering the performance required under the obligation or trust deed, in addition to paying said 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's fees not exceeding the amounts provided by said ORS 86.753.

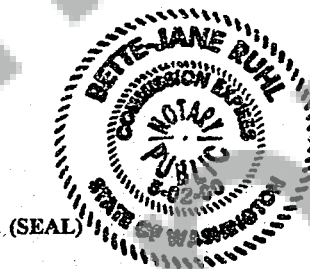
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.


David E. Fennell - Trustee

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

This instrument was acknowledged before me on 10-27, 1998, by
David E. Fennell, as Trustee.


Notary Public for Washington
My commission expires: 5/2/00



THIS IS AN ATTEMPT TO COLLECT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle the 2nd day
of November A.D., 19 98 at 3:39 o'clock P M., and duly recorded in Vol. M98
of Mortgages on Page 40190

FEE \$15.00

By Bernetha G. Leisch, County Clerk
Kathleen Ross