

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by DANNY R. CLOSSER, SR., AND DEBORAH F. CLOSSER as Grantor, to KLAMATH COUNTY TITLE COMPANY, as Trustee, in favor of NORMAN DAVID NEWLAND AND KATHY ANN NEWLAND, husband and wife, as Beneficiary, dated September 25, 1996, recorded September 27, 1996, in the Mortgage Records of Klamath County, Oregon in Vol. M96, page 30768 covering the following described real property situated in said county and state, to-wit:

See Attached Exhibit "A."

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:

Payment in the amount of \$5,000 due and payable on or before March 27, 1997, (such payment was due in addition to regular monthly payments), plus fire insurance which was paid by Beneficiary in the amount of \$503.87, plus real estate taxes: For the year 1995-96 in the amount of \$58.74 plus interest; for the year 1997-98 in the amount of \$56.69, plus interest; and for the year 1998-99 as may accrue during the pendency of this election. (Account No. 3912-036BO-00300; Key R61025) Also due and owing are the following real estate taxes: For the year 1996-97, in the amount of \$1,340.13, plus interest; for the year 1997-98, in the amount of \$1,174.29, plus interest; for the year 1998-99, as may accrue during the pendency of this election. (Account No. 3912-036BO-00500; Key No. R610253). All the taxes shown above are delinquent for at least 3 years. Pursuant to statute, the land described herein is subject to county foreclosure and additional charges may be levied.

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:

\$184,931.39 plus interest in the amount of \$45.60 per day from October 8, 1998 plus fire insurance which was paid by Beneficiary in the amount of \$503.87, plus real estate taxes: For the year 1995-96 in the amount of \$58.74 plus interest; for the year 1997-98 in the amount of \$56.69, plus interest; and for the year 1998-99 as may accrue during the pendency of this election. (Account No. 3912-036BO-00300; Key R61025) Also due and owing are the following real estate taxes: For the year 1996-97, in the amount of \$1,340.13, plus interest; for the year 1997-98, in the amount of \$1,174.29, plus interest; for the year 1998-99, as may accrue during the pendency of this election. (Account No. 3912-036BO-00500; Key No. R610253). All the taxes shown above are delinquent for at least 3 years. Pursuant to statute, the land described herein is subject to county foreclosure and additional charges may be levied.

WHEREFORE, notice hereby is given that the undersigned trustee will on March 31, 1999, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at Government Center, front steps, 305 Main Street, 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

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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 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 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: Nov 9, 1998



Successor Trustee

EXHIBIT "A"

DESCRIPTION OF PROPERTY

PARCEL ONE:

A parcel of land situated in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 36, Township 39 South, Range 12 E.W. M., Klamath County, Oregon, being more particularly described as follows: Beginning at the Southwest corner of the NW $\frac{1}{4}$ of said Section 36; thence S. 89°53'07" E. along the South line of said NW $\frac{1}{4}$ 1328.28 feet to the Southeast corner of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 36; thence N. 00°00'33" E. along the East line of said W $\frac{1}{2}$ NW $\frac{1}{4}$ 608.31 feet to a point where a fence line intersects from the Northwest; thence Northwesterly along said fence line the following bearings and distances: N. 84°33'04" W. 151.14 feet; N. 32°10'32" W. 466.48 feet; S. 86°44'52" W. 101.88 feet; N. 60°24'37" W. 187.47 feet; N. 51°33'56" W. 58.38 feet; N. 88°40'36" W. 291.86 feet; S. 89°38'32" W. 326.26 feet to a point on the West line of said Section 36; thence S. 00°03'00" W. along said section line 1142.62 feet to the Point of Beginning.

ALSO, A parcel of land situated in the NW $\frac{1}{4}$ of Section 36, T. 39 S., R. 12 E.W.M., Klamath County, Oregon, being more particularly described as follows: Beginning at a point on the East line of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 36 at a point where said East line intersects the Southerly right of way line of the U.S.B.R. North Canal; thence S. 00°00'33" W. 328.44 feet along said East line to a point where a fence intersects from the Northwest; thence leaving said East line and running Northwesterly along said fence the following bearings and distances: N. 84°33'04" W. 151.14 feet; N. 32°10'32" W. 466.48 feet; S. 86°44'52" W. 101.88 feet; N. 60°24'37" W. 187.47 feet; N. 51°33'56" W. 58.38 feet; N. 88°40'36" W. 291.86 feet; thence leaving said fence N. 00°29'37" E. 134.22 feet to a 1/2 inch iron pin; thence S. 68°11'17" E. 50.23 feet to a 1/2 inch iron pin; thence N. 53°19'03" E. 218.51 feet to a 1/2 inch iron pin on the Southerly right of way line of the U.S.B.R. North Canal, said point being hereinafter referred to as "Point A"; thence Southeasterly along said canal right of way line to the point of beginning.

PARCEL TWO:

That portion of W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 36, Township 39 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point on the West line of Section 36, said point being S. 0°03' W. 1494.44 feet from the Northwest corner of Section 36; thence continuing S. 0°03' E. approximately 20 feet; thence East 326.26 feet; thence North 134.22 feet; thence Southeasterly 50.23 feet and Northeasterly 218.54 feet to a point on the Southwesterly right of way of USBR North Canal referred to as Point A in instrument recorded July 12, 1976, in Volume M76 page 10481, Deed records of Klamath County, Oregon; thence N. 42°35'53" W. 179.01 feet; thence N. 79°39'35" W. 190.08 feet more or less; thence S. 23°51'30" E. 151.61 feet; thence S. 0°06'40" W. 257.02 feet; thence N. 89°53'20" W. 301.94 feet to the point of beginning.

EXCEPTING FROM ABOVE MENTIONED PARCELS, that parcel conveyed to United States of America by Deed recorded July 8, 1924 in Deed Volume 64 on page 299, Deed Records of Klamath County, Oregon.

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON }
County of Klamath } ss.

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

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 amended 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:

Danny Closser, Sr.
10079 E. Langeil Valley Road
Bonanza OR 97623

Deborah Closser
10079 E. Langeil Valley Road
Bonanza OR 97623

State of Oregon, Department of Human Resources
and Cheryl Constantin
1495 Edgewater NW, Suite 290
Salem, Oregon 97304

Topco Premium Finance
c/o Antonio Porras, Jr.
Attorney at Law
419 Main Street
Klamath Falls OR 97601

Oregon Department of Revenue
P.O. Box 14725
Salem OR 97309-5018

Oregon Bureau of Labor and Industries
Wage and Hour Division, Room 1150
800 NE Oregon Street, #32
Portland OR 97232

Quick Collect, Inc.
P.O. Box 55457
Portland OR 97230

Affidavit of Mailing
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*Richard Fairclo
Attorney at Law
280 Main Street
Klamath Falls OR 97601*

Evergreen Stageline, Inc., dba Gray Line of Portland
4320 North Settle Road
Portland OR 97217

State of Oregon
Employment Department
875 Union Street NE, Room 107
Salem Oregon 97311

Department of Consumer & Business Services
Acting by and through Debbie Lincoln, Acting Director
350 Winter Street NE Room 300
Salem Oregon 97310

Klamath County Tax Collector
409 Pine Street
Klamath Falls, Oregon 97601

Carter-Jones Collection Service
1143 Pine Street
Klamath Falls Oregon 97601

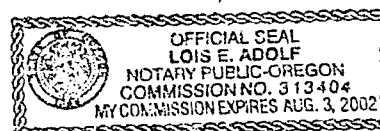
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice (c) any person, including the Department of Revenue or any other state agency, having a lien or interest, 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 November 10, 1998, as mailed with a proper form to request and obtain a return receipt and postage thereon in 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 10 day of November, 1998.

Notary Public of Oregon
My Commission expires:



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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 Richard Fairclo the 10th day
of November A.D., 19 98 at 2:50 o'clock P. M., and duly recorded in Vol. M98
of Mortgages on Page 41126.

FEE \$30.00

By Bernetha G. Letsch, County Clerk