

71660

Vol. 1798 Page 46226

AFTER RECORDING RETURN TO:

98 DEC 17 P3:05

CAL-WESTERN RECONVEYANCE CORPORATION  
525 EAST MAIN STREET  
P.O. BOX 22004  
EL CAJON CA 92022-9004  
(619)590-9200

K-53433

(Recorder's Use)

## NOTICE OF DEFAULT AND ELECTION TO SELL

Loan No.: 428367

T.S. No.: 1014531-08

Reference is made to that certain trust deed made by  
JOHN T. BOWERS AND DARLENE M. BOWERS, as grantor,  
to MOUNTAIN TITLE COMPANY, as trustee,  
in favor of FIRST INTERSTATE BANK OF OREGON, N.A., as beneficiary,  
dated August 7, 1981, recorded August 13, 1981, in the official records of  
KLAMATH County, Oregon, in book/reel/volume No. M81 at page  
14351, fee/file/instrument/microfilm/reception No. 3141  
(indicate which), covering the following described real property situated  
in said County and State, to-wit:

PARCEL 1: A TRACT OF LAND SITUATED IN THE SW 1/4 SE 1/4 OF SECTION 6, TOWNSHIP 39  
SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN; MORE COMPLETELY DESCRIBED IN  
ATTACHED EXHIBIT A.

CAL-WESTERN RECONVEYANCE CORPORATION, as Trustee, hereby  
certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of a successor-  
trustee have been made except as recorded in the mortgage records of the county or counties in which the above described  
real property is situated; further, that no action, suit or proceeding has been instituted to recover the debt, or any  
part thereof, now remaining secured by the said trust deed, or, if such action or proceeding has been instituted, such  
action or proceeding has been dismissed except an action to appoint a receiver pursuant to ORS 86.010, or the foreclosure  
of another trust deed, mortgage, security agreement or other consensual or nonconsensual security interest or lien securing  
repayment of this debt.

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 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:

NODOR

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Failure to pay the monthly payment due September 1, 1998 of principal, interest and impounds and subsequent installments due thereafter; plus late charges; together with all subsequent sums advanced by beneficiary pursuant to the terms and conditions of said deed of trust.

Monthly Payment: \$1,783.67 Monthly Late Charge: \$57.36

By reason of said default, the beneficiary has declared all obligations secured by said trust deed immediately due and payable, said sums being the following, to-wit:

The principal sum of \$ 21,034.36 together with interest thereon at the rate of 11.500% per annum from 08/01/1998 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

RE: Trust Deed from

JOHN T. BOWERS & DARLENE M. BOWERS

Grantor to

MOUNTAIN TITLE COMPANY

Trustee

Notice is hereby given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose said trust deed by advertisement and sale pursuant to Oregon Revised Statutes Sections 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash funds the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by him of the trust deed, together with any interest the grantor or his successors in interest acquired after execution of the trust deed to satisfy the obligations secured by said 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.

Said sale will be held at the hour of 1:00 PM, Standard of Time as established by Section 187.110 of Oregon Revised Statutes on May 6, 1999 at the following place:

AT THE FRONT DOOR TO THE KLAMATH COUNTY COURTHOUSE,  
MAIN STREET

in the City of KLAMATH FALLS County of KLAMATH, State of Oregon, which is the hour, date and place fixed by the trustee for said sale.

Other than as shown of record neither the said beneficiary nor the said 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 the grantor or of any lessee or other persons 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 Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with costs, trustee's and attorney's fees and by curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

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 persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

# NOTICE OF DEFAULT AND ELECTION TO SELL

46228

Loan No.: 428367  
T.S. No.: 1014531-08

CAL-WESTERN RECONVEYANCE CORPORATION

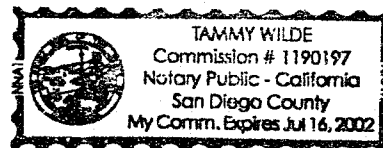
By/Signature: Wendy V. Perry  
WENDY V. PERRY, ASST. VICE PRESIDENT

December 15, 1998

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO JSS

On December 15, 1998 before me, the undersigned, a Notary Public in and for said State, personally appeared Wendy V. Perry personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.



Signature Tammy Wilde

Notary Public, State of California, My commission expires 7/16/02

NODOR

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Rev. 06/24/98

(A) A tract of land situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 6, Township 39 South, Range 10 East of the Willamette Meridian, more particularly described as follows:

Beginning at the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 6, said point being the Northeast corner of "Junction Acres" subdivision; thence South 89°07'30" West along the South line of said Section 6, which is also the North line of said Subdivision, a distance of 30 feet; thence Northerly, parallel with the East line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 6, a distance of 175 feet to the true point of beginning of this description; thence Northerly parallel with the East line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 6, a distance of 175 feet, more or less, to the intersection with the centerline of the Enterprise Irrigation District canal as it is presently located and constructed; thence Northwesterly and Southwesterly along the centerline of said canal to a point that is Northerly, measured on a line parallel with the East line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 6, a distance of 350 feet from the South line of said Section 6; thence South 89°07'30" West parallel with the South line of said Section 6, which is the North line of said Subdivision, to the intersection with the East line of that tract of land deeded to Heaton, as described in Deed Volume 359 page 448; thence South 20°23'30" East and South 00°21'45" East along the East line of said Heaton tract to a point that is Northerly, measured on a line parallel with the East line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 6, a distance of 175 feet from the South line of said Section 6; thence North 89°07'30" East parallel with the South line of said Section 6, which is the North line of said subdivision, to the true point of beginning of this description. EXCEPT that portion lying within the boundaries of Enterprise Irrigation District Canal.

(B) A tract of land situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 6, Township 39 South, Range 10 E.W.M., more particularly described as follows:

Beginning at a point on the South line of said Section 6, said point being on the North line of "Junction Acres" Subdivision and being South 89°07'30" West a distance of 30 feet from the Northeast corner of said subdivision which is also the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 6; thence Northerly parallel with the East line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 6 a distance of 175 feet; thence South 89°07'30" West parallel with the South line of said Section 6, which is the North line of said subdivision to the intersection with the East line of the tract of land deeded to Heaton as described in Deed Volume 359 page 448; thence South 00°21'45" East along the East line of Heaton tract a distance of 175 feet, more or less, to the South line of said Section 6, which is the North line of said subdivision; thence North 89°07'30" East along the South line of said Section 6, and along the North line of said Subdivision to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of First American Title the 17th day of December A.D., 19 98 at 3:05 o'clock P. M., and duly recorded in Vol. M98 of Mortgages on Page 46226

FEE \$25.00

By Bernetha G. Letsch, County Clerk  
Kathleen Ross