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## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Martha Pigeon

Mountain Title Company \*\*\* as grantor, to  
 in favor of \*/\*\* SEE BELOW as trustee,  
 dated June 16, 1993, recorded June 23, 1993, in the mortgage records of  
 Klamath County, Oregon, in book/reel/volume No. M93 at page 14768, or as  
 fee/tile/instrument/microfilm/reception No. 63464 (indicate which), covering the following described real  
 property situated in the above-mentioned county and state, to-wit: Lot 380, Block 113, Mills Addition to the  
 City of Klamath Falls, in the County of Klamath, State of Oregon.

\*Trustees of the Hugh Martin Biggs and Christina Mary Biggs Declaration of Trust

\*\*Beneficial interest was assigned by instrument Book M99 Page 1734 recorded on  
 January 19, 1999.

\*\*\*Substitution of Trustee recorded on February 8, 1999 by instrument Book M99,  
 Page 4623 to Aspen Title & Escrow, Inc.

The undersigned 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 has been instituted to recover  
 the debt, or any part thereof, now remaining secured by the trust deed, or, if such action has been instituted, such  
 action has been dismissed except as permitted by ORS 86.735(4).

There is a default by the grantor or other person owing an obligation, the performance of which is secured by  
 the trust deed, or by the 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 grantor's failure to pay when due the following  
 sums: Balance of monthly installments of \$119.06 due for October 1, 1998, November 1, 1998,  
 December 1, 1998, January 1, 1999 and February 1, 1999; and subsequent installments of  
 like amounts; subsequent amounts for assessments due under the terms and provisions of  
 the Note and Trust Deed.

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust  
 deed immediately due and payable, those sums being the following, to-wit: \$9,092.87 plus interest and late  
 charges, thereon from October 1, 1998 at the rate of EIGHT (8.00%) PERCENT PER ANNUM until  
 paid, plus any and all property taxes owing and any and all fire insurance premiums  
 owing; all sums expended by the Beneficiary pursuant to the terms and provisions of the  
 Note and Trust Deed.

— OVER —

NOTICE OF DEFAULT  
AND ELECTION TO SELL

Re: Trust Deed from

Grantor

TO

Trustee

After recording, return to (Name, Address, Zip):

ASPEN TITLE &amp; ESCROW, INC.

ATTN: FORECLOSURE DEPARTMENT

SPACE RESERVED  
FOR  
RECORDER'S USE

STATE OF OREGON,

County of } ss.

I certify that the within instrument  
 was received for record on the \_\_\_\_\_ day  
 of \_\_\_\_\_, 19\_\_\_\_,  
 at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded  
 in book/reel/volume No. \_\_\_\_\_ on  
 page \_\_\_\_\_ or as fee/tile/instru-  
 ment/microfilm/reception No. \_\_\_\_\_,  
 Record of Mortgages of said County.

Witness my hand and seal of  
 County affixed.

NAME

TITLE

By \_\_\_\_\_, Deputy

Notice hereby is given that the beneficiary and trustee, by reason of the 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 of the execution by grantor of the trust deed, together with any interest the grantor or grantor's successor 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 the 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 July 19, 1999, at the following place: front entry to Aspen Title & Escrow, Inc. located at 525 Main 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.

Other than as shown of record, neither the beneficiary nor the 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 person in possession of or occupying the property, except:

NAME AND LAST KNOWN ADDRESS

NATURE OF RIGHT, LIEN OR INTEREST

Occupant  
2256 Orchard Avenue  
Klamath Falls, Oregon 97601

Occupant

Martha Pigeon  
3931 Hope Street  
Klamath Falls, Oregon 97603

Grantor

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 the 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 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

  
ANDREW A. PATTERSON

DATED February 11, 1999

Trustee ~~XXXXXXXXXX~~ (state which)

STATE OF OREGON, County of Klamath ss.

This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_,

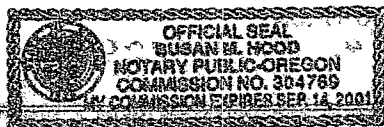
by \_\_\_\_\_


This instrument was acknowledged before me on February 11, 1999,

by Andrew A. Patterson

as Assistant Secretary

of Aspen Title & Escrow, Inc.



  
Notary Public for Oregon  
My commission expires 9/14/2001

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 11th day  
of February A.D. 1999 at 11:12 o'clock A. M., and duly recorded in Vol. M99  
of Mortgages on Page 4973

Linda Smith, County Clerk

FEE \$15.00

by Kathleen Ross