

74607

Vol. M99 Page 5143NOTICE OF DEFAULT
AND ELECTION TO SELL

99 FEB 12 P3:08

RE: Trust Deed from

Rodney D. Miller
Kelly A. Miller

To

Grantor

Aspen Title & Escrow Inc.

SPACE RESERVED
FOR
RECORDER'S USE

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

James Dietz
243 So Holly #2
Medford, OR 97501
Successor Trustee

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
_____ and/or as fee/file/instru-
ment/microfilm/reception No. _____
Records of said County.Witness my hand and seal of County
affixed.

NAME

TITLE

By _____, Deputy.

Reference is made to that certain trust deed made by Rodney D. Miller and Kelly A. MillerAspen Title & Escrow, Inc., as grantor, toin favor of Robert D. Tuttle, as trustee,
dated January 7, 19 97, recorded January 13, 19 97, in the Records of
Klamath County, Oregon, in book/reel/volume No. M97 at page 1043, and/or as
fee/file/instrument/microfilm/reception No. NA (indicate which), covering the following described real property
situated in the above-mentioned county and state, to-wit:

SEE ATTACHED EXHIBIT "A"

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appoint-
ments of a successor trustee have been made, except as recorded in the Records of the county or counties in which the above-
described real property is situated. Further, 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 grantor or other person owing an obligation, 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:

Fourteen (14) delinquent monthly payments as of the date hereof totaling
the sum of \$3,220.00 as of 2/1/99 and late fees, plus real estate taxes
of \$1000, plus interest thereon.

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:

The principal balance of \$23,000, plus accrued interest and late charges
of \$3,381, plus interest accruing at 12%/yr., collection costs of \$1200,
the cost of a foreclosure report in the amount of \$240, insurance placed on
the property at a cost of \$161, and delinquent taxes as set forth above.

(OVER)

20

5150

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 grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest 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 June 30, 19 99, at the following place: Main Entrance, Klamath County Courthouse, County of Klamath in the City of Klamath Falls, 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 grantor or of any lessee or other person in possession of or occupying the property, except:

Name and Last Known Address
Klamath Cty Tax Collector, 305 Main, Klamath Falls,
Oregon 97601

Nature of Right, Lien or Interest

Property taxes

Boyd Yaden, POB 606, Klamath Falls, OR 97601

Trustee in bankruptcy

Second mortgage

Western Homes, ATTN: Kathy King, 5729 Altamont
Drive, Klamath Falls, OR 97603

Judgment

Argle Lee & Dale E. Hobbs, 2455 Redwood Drive, Klamath
Falls, OR 97601

James H. & Margie G. Patton, 3907 Redondo Way, Klamath
Falls, OR 97603

Judgment

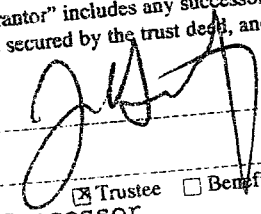
Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion 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 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.

Dated

2/10

99


Successor

☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Jackson ss.

This instrument was acknowledged before me on February 10, 19 99
by Jim Dietz, Trustee

This instrument was acknowledged before me on _____, 19 _____

by

as

of


Notary Public for Oregon

10-23-99

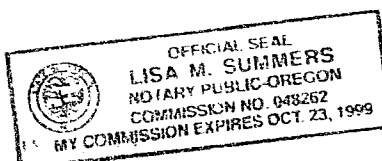


EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

The Southwesterly 58 feet of the Southeasterly 40 feet of Lot 5, Block 60 NICHOLS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows:

Beginning at the most Southerly corner of Lot 5, Block 60, NICHOLS ADDITION; thence Northeasterly along the line between Lots 4 and 5 in Block 60, 58 feet; thence Northwesterly at right angles to the line between Lots 4 and 5, 40 feet; thence Southwesterly at right angles to 11th Street; 58 feet to the Northeasterly boundary line of 11th Street; thence Southeasterly along the Northeasterly boundary line of 11th Street, 40 feet to the point of beginning.

PARCEL 2:

The Northeasterly 72 feet of the Southeasterly 40 feet of Lots 5 and 6, Block 60, NICHOLS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Southeasterly line of said Lot 5, which point bears North 38 degrees 56' East 58 feet from the most Southerly corner of said Lot 5, thence North 38 degrees 56' East along the Southeasterly line of Lots 5 and 6 in said Block 60, 72 feet; to the most Easterly corner of Lot 6; thence North 51 degrees 04' West along the line between Lots 6 and 7, 40 feet; thence South 38 degrees 56' West parallel to the Southeasterly line of Lots 5 and 6, 72 feet; thence South 51 degrees 04' East parallel to the line between Lots 6 and 7, 40 feet, more or less, to the point of beginning.

STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of James Dietz the 12th day
of February A.D., 1999 at 3:08 o'clock P. M., and duly recorded in Vol. M99
of Mortgages on Page 5149

Linda Smith, County Clerk

FEE

\$20.00

by Kathleen Ross