

Re: Trust Deed From

99 MAR -3 P3:51

William Russell Spear, Grantor

To

Kosta, Spencer, Runnels & MacArthur, Beneficiary

After recording return to: Spencer, Runnels, Porras & LeBourveau, LLP  
419 Main Street  
Klamath Falls, Oregon 97601

### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain Trust Deed, Assignment of Rents, Security Agreement, and Fixture Filing made by William Russell Spear, as grantor, in favor of Kosta, Spencer, Runnels & MacArthur, as beneficiary, dated August 18, 1994, recorded August 19, 1994, in the mortgage records of Klamath County, Oregon, in Book M-94 at page 25739, covering the following described real property situated in said 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 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 situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said 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 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 grantor's failure to pay when due the following sums: \$14,445.62, plus accrued interest as well as failure to pay real property taxes when due.

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: \$14,445.62, plus accrued interest.

Notice hereby is 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 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 said 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 successors in interest acquired after the 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 10 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on July 14, 1999, at the following place: 419 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set 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 person in possession of or occupying the property, except:

NAME AND LAST KNOWN ADDRESS: NAME AND LAST KNOWN ADDRESS:

William Russell Spear  
c/o B.L. Knowles  
P.O. Box 1112  
Camp Verde, AZ 86332

Lynn G. Westwood  
P.O. Box 961  
Klamath Falls, Oregon 97601

NATURE OF RIGHT, LIEN OR INTEREST:

NATURE OF RIGHT, LIEN OR INTEREST:

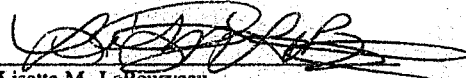
Grantor

Successor in Interest

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 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.

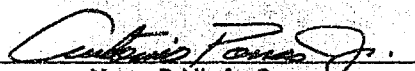
DATED: March 2, 1999.

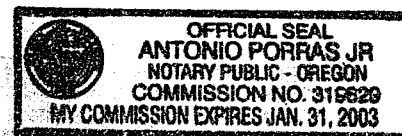
  
 Lisette M. LeBourveau  
 Of Attorneys for Successor Trustee

STATE OF OREGON, County of Klamath ss.

This instrument was acknowledged before me  
 on March 2, 1999, by Lisette  
M. LeBourveau

This instrument was acknowledged before me on  
March 2, 1999, by Antonio Porras Jr.  
 as Notary Public for the state of  
Oregon

  
 Notary Public for Oregon  
 My commission expires 1/31/2003



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/file/instrument/microfilm/reception No. \_\_\_\_\_, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Name \_\_\_\_\_ Title \_\_\_\_\_

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

## EXHIBIT "A"

## PARCEL 1:

The Southerly 110 feet of the N 1/2 S 1/2 SW 1/4 NE 1/4 SE 1/4 of Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon. EXCEPT that portion lying East of Sprague River.

## PARCEL 2:

The Northerly 55 feet of the N 1/2 S 1/2 SW 1/4 NE 1/4 SE 1/4, in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon. EXCEPTING that part that lays East of the Sprague River.

That portion of the S 1/2 N 1/2 S 1/2 NE 1/4 SE 1/4 that lays East of the access road, and West of the Sprague River, in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

## PARCEL 3:

That part of the S 1/2 of the N 1/2 of the S 1/2 of the NE 1/4 of the SE 1/4 that lays West of the access road as now located on the said property.

TOGETHER WITH a 10 foot wide easement for access to the Sprague River along the South boundary of that part of the S 1/2 of the N 1/2 of the S 1/2 of the NE 1/4 of the SE 1/4 that lays East of said access road and West of the Sprague River, in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

## PARCEL 4:

A portion of the NE 1/4 of the SE 1/4 in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Northwest corner of the S 1/2 N 1/2 S 1/2 NE 1/4 SE 1/4 of Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, said point being the Northwest corner of the property conveyed by Deed recorded March 25, 1963 in Book 344 at Page 192, Deed Records of Klamath County, Oregon; thence East along the North line of said S 1/2 N 1/2 S 1/2 NE 1/4 SE 1/4 to its intersection with the high water line of Sprague River; thence North and East along the high water line of Sprague river to its intersection with the Southwesterly boundary of the Chiloquin-Sprague River County Road; thence North and West along the boundary line of said road to its intersection with the North line of the NE 1/4 SE 1/4 of said Section; thence West on said boundary line to the Northwest corner of the NE 1/4 SE 1/4; thence South along the West line of the NE 1/4 SE 1/4 of said Section to the point of beginning.

EXCEPTING THEREFROM Beginning at the Northwest corner of Parcel 1 as recorded in Volume M-85 at Page 4081, Microfilm Records of Klamath County, Oregon; running thence South 89 degrees 59' 26" East 383.66 feet, more or less, to the high water line of the Sprague River; thence North 62 degrees 33' 44" West 367.94 feet to a point on the Easterly edge of an access road; thence along the Easterly edge of said road to the point of beginning, the straight line course of which bears South 18 degrees 37' 20" West 178.84 feet.

A portion of the NE 1/4 of the SE 1/4 in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Northwest corner of Parcel 1 as recorded in Volume M-85 at Page 4081, Microfilm Records of Klamath County, Oregon; running thence South 89 degrees 59' 26" East 383.66 feet, more or less, to the high water line of the Sprague River; thence North 62 degrees 33' 44" West 367.94 feet to a point on the Easterly edge of an access road; thence along the Easterly edge of said road to the point of beginning, the straight line course of which bears South 18 degrees 37' 20" West 178.84 feet.

STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Spencer, Runnels et al the 3rd day  
of March A.D., 1999 at 3:51 o'clock P M., and duly recorded in Vol. M99  
of Mortgages on Page 7637

Linda Smith, County Clerk

FEE

\$25.00

by

*Hadden Ross*