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Vol M99 Page 12859

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from Derek Miller and Jane Miller, Husband and Wife, Grantor  
To Kermit F. Taylor and Diane G. Taylor, Beneficiary

AFTER RECORDING RETURN TO:  
Scott D. MacArthur, P.C.  
280 Main Street  
Klamath Falls, OR 97601

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by DEREK MILLER and JANE MILLER, Husband and Wife, as grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as trustee, in favor of KERMIT F. TAYLOR and DIANE G. TAYLOR as beneficiary, dated April 15, 1994, recorded April 25, 1994, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M94 at page 12200, covering the following described real property situated in said county and state, to-wit:

Lot 12, Block 210, MILLS SECOND ADDITION TO THE CITY OF KLAMATH FALLS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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.

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:

Taxes for the fiscal year 1998-1999, delinquent in the sum of \$544.71, plus interest

Payments in the amount of \$464.00 per month from February 1999 through the present

Payment in the amount of \$15,581.94 plus interest from February 12, 1999 as the Trust Deed was due in full upon sale transfer or conveyance without the written consent of beneficiary. Beneficiary discovering that the property had been reconveyed without their written consent on or about February 18, 1999.

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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: \$15,581 94 as of February 12, 1999, plus 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 Oregon Revised Statutes Sections 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 him of the trust deed, together with any interest the grantor or his 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 compensation of the trustee as provided by law, and the reasonable fees of trustee's attorney

Said sale will be held at the hour of 10:00 o'clock, A.M., Standard Time as established by Section 187 110 of Oregon Revised Statutes on August 20, 1999, at the following place: 280 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 of said sale.

Other than as shown of record, neither the said beneficiary or 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	NATURE OF RIGHT, LIEN OR INTEREST
Derek Miller 2170 Manchester San Diego, CA 92027	Default upon Trust Deed
Jane Miller 2170 Manchester San Diego, CA 92027	Default upon Trust Deed
Derek Miller 24216 Rutherford Road San Diego, CA 92065	Default upon Trust Deed
Jane Miller 10874 Meadow Glen Way East Escondido, CA 92026	Default upon Trust Deed
Derek Miller 2127 White Avenue Klamath Falls, OR 97601	Default upon Trust Deed

Jane Miller  
2127 White Avenue  
Klamath Falls, OR 97601

Default upon Trust Deed

Carter-Jones Collections  
1143 Pine Street  
Klamath Falls, OR 97601

Judgment dated January 7, 1999  
Klamath County Case No. 9803944-CV

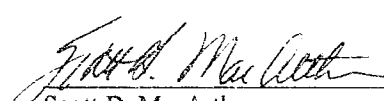
The May Department Stores  
C/O John Parks  
621 SW 5th Avenue  
Portland, OR 97204

Judgment dated May 15, 1998  
Klamath County Case No. 9800722-CV

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 Section 86.753 of Oregon Revised Statutes.

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

DATED: April 9, 1999




Scott D. MacArthur  
Successor Trustee

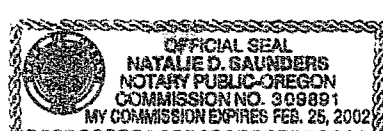
STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of April, 1999, by Scott D. MacArthur.

(SEAL)

Before me:   
Notary Public for Oregon

My Commissioner Expires Feb 25, 2002



STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Scott MacArthur the 9<sup>th</sup> day  
of April A.D., 1999 at 3:49 o'clock P. M., and duly recorded in Vol. M99  
of Mortgages on Page 12859

FEE

\$20.00

Linda Smith, County Clerk

by Kathleen Rossi