

99 APR 28 P3134

Vol M99 Page

16008

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Richard H. Hawks and Jamie A. Hawks, husband and wife, as grantor, to AmeriTitle, fka Mountain Title Company of Klamath County, as trustee, in favor of Trustees of the Edna L. Gavin Family Trust Agr dtd 12/10/91, as beneficiary, dated September 1, 1993, recorded September 2, 1993, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M93 at page 22367, or as fee/file/instrument/microfilm/reception No. 67393 (indicate which), covering the following described real property situated in said county and state, to-wit:

Lot 46 in Block 20 of KLAMATH FALLS FOREST ESTATES HIGHWAY 66 UNIT, PLAT NO. 1, according to the official plat on file in the office of the County Clerk of Klamath County, Oregon, and 1981 EMBAS 2U MOBILE HOME situate on the real property described herein:

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 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 or such provision; the default for which foreclosure is made is grantor's failure to pay when due the following sums: Monthly payments in the amount of \$486.42 from May 30, 1998, to the present; fire insurance in the amount of \$113.25; real property taxes in the amount of \$438.36

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:

Principal in the amount of \$39,686.11, accrued interest in the amount of \$2,958.45, fire insurance in the amount of \$113.25 and real property taxes in the amount of \$438.36 for a total of \$43,196.17

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 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 10:00 o'clock, A.M., Standard Time as established by Section 187.110 of Oregon Revised Statutes on Sept. 8, 1992, at the following place: County Government Center, 305 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.



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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

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, 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 28, 1999

JERRY M. MOLATORE, Trustee

(If the signer of the above is a corporation, use the form of acknowledgment opposite.)  
STATE OF OREGON,

County of Klamath

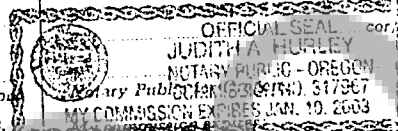
The foregoing instrument was acknowledged before me this 28th day of April, 1999, by  
Jerry M. Molatore

STATE OF OREGON, County of

The foregoing instrument was acknowledged before me this  
1999, by  
president, and by  
secretary of

(SEAL)

My commission expires: 1-10-2003



(SEAL)

**NOTICE OF DEFAULT AND  
ELECTION TO SELL**

(FORM No. 684)

STEVENS-NEER LAW FIRM, P.C., PORTLAND, OR

Re: Trust Deed From

Richard H. and Jamie A.  
Hawks, Grantor

To  
Jerry M. Molatore  
Trustee

AFTER RECORDING RETURN TO  
JERRY M. MOLATORE  
426 Main Street  
Klamath Falls, OR 97601

SPACE RESERVED  
FOR  
RECORDER'S USE

Fee: \$15.00

STATE OF OREGON,  
County of Klamath

I certify that the within instrument was received for record on the 28th day of April, 1999, at 3:31 o'clock P.M., and recorded in book/reel/volume No. 499 on page 16008 or as fee/tile/instrument/microfilm/reception No. Record of Mortgages of said County.

Witness my hand and seal of  
County affixed.

Linda Smith, County Clerk

By Linda Smith, Deputy