

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by LOREN AUSTIN, Grantor, MOUNTAIN TITLE OF KLAMATH COUNTY as the trustee, and DONALD G. BLANTON and CATHERINE A. BLANTON, husband and wife or the survivor, are the beneficiaries under that certain trust deed dated June 20, 1994, and recorded July 5, 1994, in Volume No. M94 page 20747, Microfilm Records of Klamath County, Oregon.

The beneficial interest under said Trust Deed was assigned by instrument dated June 20, 1994, recorded July 7, 1994, in Volume M94, page 21067, Microfilm Records of Klamath County Oregon, from Donald G. Blanton and Catherine A. Blanton, husband and wife, to Cecil James And Mildred James, Trustees Of The James Family Trust.

See Attached Exhibit "A."

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default of which the foreclosure is made is grantor's failure to pay when due the following sums:

Payments in the amount of \$857.45 due and payable on November 5, 1998, and each and every month thereafter, plus interest in the amount of 8 percent per annum from October 21, 1998, plus taxes for the fiscal year 1998-1999 are a lien due and payable in the amount of \$859.10 plus interest. Account No. 3610-00600-00500-000, Key No. 324241.

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:

\$69,102.89 plus interest in the amount of \$14.6173 per day from April 26, 1999, plus taxes for the fiscal year 1998-1999 are a lien due and payable in the amount of \$859.10 plus interest. Account No. 3610-00600-00500-000, Key No. 324241.

WHEREFORE, notice hereby is given that the undersigned trustee will on September 22, 1999, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at Government Center, front steps, 305 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. 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 to 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 of 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.

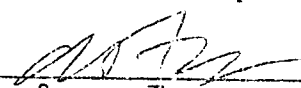
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Richard Fairclo  
Attorney at Law  
280 Main Street  
Klamath Falls OR 97601

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

DATED: 5/4/99

  
Successor Trustee

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

The SE1/4 of Section 6, Township 36 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, EXCEPT the following described portion thereof, as follows:

Beginning at a point which is the NW1/4 corner of the SE1/4 of Section 6, Township 36 South, Range 10 East of the Willamette Meridian; thence 208 feet East along the North line of said SE1/4; thence South and parallel to the West line of the said SE1/4 to the South line of said Section 6; thence along the said South line of said Section 6 a distance of 208 feet to the SW corner of the said SE1/4; thence North along the West line of said SE1/4 to the point of beginning and being a strip 208 feet wide off the Westerly portion of the SE1/4 of said Section 6.

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

17108

STATE OF OREGON }  
County of Klamath } ss.

I, RICHARD FAIRCLO, being duly sworn, depose and say and certify that:

At all times hereinafter mentioned I was and am now a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor of interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons at their respective last known addresses, to-wit:

Lorin Austin  
c/o Lin Austin  
Whispering Pines Ranch  
15161 Gas Point Road  
Cottonwood CA 96022

Lorin Austin  
1908 Calle De Los Alamos  
San Clemente CA 92672

Summit Industries  
15215 Marquardt Avenue  
Santa Fe Springs CA 90670

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

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice (c) any person, including the Department of Revenue or any other state agency, having a lien or interest, subsequent to the trust deed if the lien or interest appears of record of the beneficiary has actual notice of the lien or interest, and (d) any person request notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be true copy of the original notice of sale by RICHARD FAIRCLO, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States Post Office at Klamath Falls, Oregon, on May 4, 1999, as mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

SUBSCRIBED AND SWORN to before me this 4th day of May, 1999.

State of Oregon, County of Klamath  
Recorded May 4, 1999, at 2:10 P.M.  
at the referenced page, Vol. M99.  
Linda Smith, County Clerk  
Fee \$ 25

*Linda Smith*

*[Signature]*  
Notary Public of Oregon  
My Commission expires:

