

99 Mar 19 AM 1:44

Vol M99 Page 19940

After recording return to:

ROUTH CRABTREE & FENNELL
Attn: Becky Baker
PO Box 4143
Bellevue, WA 98009-4143

MTC. 47940
NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Terry A. Marshall, as grantors, to FATCO, known as First American Title Insurance Company of Oregon, as trustee, in favor of Home Mortgage USA, a Washington corporation, as beneficiary, dated 6/5/98, recorded 6/16/98, in the mortgage records of Klamath County, Oregon, in Volume: M98, Page 20558, and subsequently assigned to Flagstar Bank, FSB by Assignment recorded as Volume: M98, Page 20567, covering the following described real property situated in said county and state, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN

PROPERTY ADDRESS: 14915 Clover Creek Road
Klamath Falls, OR 97601

There is a default by the grantor or other person owing an obligation or by their successor in interest, 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 grantors' failure to pay when due the following sums: monthly payments of \$721.69 beginning 1/1/99; plus late charges of \$31.12 each month beginning 1/16/99; plus prior accrued late charges of \$62.24; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

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: \$88,665.59 with interest thereon at the rate of 7.5 percent per annum beginning 12/1/98; plus late charges of \$31.12 each month beginning 1/16/99 until paid; plus prior accrued late charges of \$62.24; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from
Marshall, Terry A.
Grantor
to
DAVID E. FENNELL,
Trustee

File No. 7081.20088

For Additional Information:

Becky Baker
ROUTH CRABTREE & FENNELL
PO Box 4143
Bellevue, WA 98009-4143
(425) 586-1900

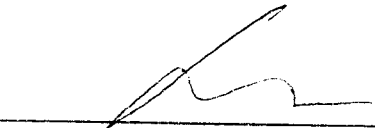
19941

Notice is hereby given that the beneficiary and trustee, by reason of said 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 the grantor had, or had the power to convey, at the time grantor executed 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 the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and 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 **September 24, 1999**, at the following place: inside the 2nd floor lobby of the Klamath County Courthouse, 317 South 7th Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

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 every other default complained of herein by tendering the performance required under the obligation or trust deed, 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.


David E. Fennell - Trustee

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

This instrument was acknowledged before me on 5/15, 1999, by
David E. Fennell, as Trustee.

Rebecca A. Baker
Notary Public for Washington

My commission expires: 5/15/03



THIS IS AN ATTEMPT TO COLLECT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

19942

LEGAL DESCRIPTION

A tract of land situated in the SE1/4 NW1/4 of Section 31, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the North-South quarter section line of Section 31, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, from which the long established Northwest corner of the SW1/4 NE1/4 of said Section 31 bears South 0 degrees 21' 40" East 66.96 feet; thence South 43 degrees 08' West 591.22 feet to the Northerly right of way of the Clover Creek Road; thence along said right of way North 46 degrees 52' West 200 feet; thence North 43 degrees 08' East 802.02 feet to the above mentioned quarter section line; thence South 0 degrees 21' 40" East 290.58 feet to the point of beginning.

State of Oregon, County of Klamath
Recorded 5/19/99, at 11:44 a.m.
In Vol. M99 Page 19940
Linda Smith, County Clerk
Fee \$ 20 -

Linda Smith