

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from Silveste Martinez, Jr., and Alice R. Martinez, as Tenants by the Entirety, Grantor

TO: Vincent Kalima Nihipali, Sr., Trustee of the Vincent Kalima Nihipali, Sr., Revocable Trust, dated November 5, 1992 and Charles Keanuenue Nihipali, Sr., Trustee of the Charles Keanuenue Nihipali, Sr., Revocable Trust, dated November 5, 1992, 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 SILVESTRE MARTINEZ, JR. and ALICE R. MARTINEZ, husband and wife, as grantor, to Mountain Title Company of Klamath County as trustee, in favor of VINCENT KALIMA NIHIPALI, Sr., Trustee of the Vincent Kalima Nihipali, Sr., Revocable Trust, dated November 5, 1992 and CHARLES KEANUENUE NIHIPALI, Sr., Trustee of the Charles Keanuenue Nihipali, Sr., Revocable Trust, dated November 5, 1992, Beneficiary, dated January 15, 1996 and recorded January 24, 1996, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M96 at page 2046, covering the following described real property situated in said county and state, to-wit:

Lot 11 in Block 6 of INDUSTRIAL ADDITION, 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 \$347.21, plus interest.
 Taxes for the fiscal year 1997-1998, delinquent in the sum of \$336.27, plus interest.

Payments in the amount of \$400.00 per month from March 1999 to the present.

20

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: \$15,870.84 as of March 15, 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 November 3, 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:

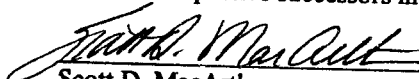
NAME AND LAST KNOWN ADDRESS	NATURE OF RIGHT, LIEN OR INTEREST
Silvestre Martinez 918 Owens Street Klamath Falls, OR 97601	Default upon Trust Deed
Alice R. Martinez 918 Owens Street Klamath Falls, OR 97601	Default upon Trust Deed
Credit Bureau of Klamath County 839 Main Street Klamath Falls, OR 97601	Judgment dated May 4, 1998 Klamath County Case # 9801460 CV
Credit Bureau of Klamath County 839 Main Street Klamath Falls, OR 97601	Judgment dated May 5, 1998 Klamath County Case # 9801849 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.

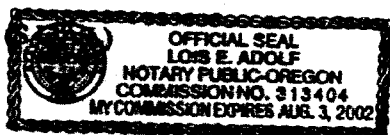
DATED: June 15, 1999.

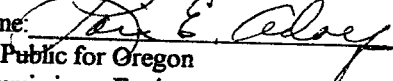


Scott D. MacArthur
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 15th day of June, 1999, by Scott D. MacArthur.



Before me: 
Notary Public for Oregon
My Commissioner Expires: _____

STATE OF OREGON, County of Klamath)ss.

I certify that the within instrument 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. ____, Recorded of Deeds of said County.

Witness my hand and seal of County affixed.

Name _____ Title _____
By _____ Deputy

State of Oregon, County of Klamath
Recorded 6/15/99, at 11:42 a m.
In Vol. M99 Page 23523

Linda Smith,
County Clerk Fee\$ 20 - KR