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1999 JUL 26 AM 11:01

ASPEN 04049652

Vol M99 Page 29627

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Deborah Hollenbeak and Sheryl McLemore

Aspen Title & Escrow, Inc. _____, as grantor, to
 in favor of Robert Raby* _____, as trustee,
 dated September 23, 1994, recorded September 30, 1994, in the mortgage records of
 Klamath County, Oregon, in book ~~XXXXXX~~ No. M94 at page 30638, or as
 fee ~~XXXXXX~~ No. 88995 (indicate which), covering the following described real
 property situated in the above-mentioned county and state, to-wit:

See attached Exhibit "A"

*Assigned on May 20, 1999 and recorded on June 1, 1999 by instrument M99 Page 21473.
 See attached Exhibit "B".

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 trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by the grantor or other person owing an obligation, the performance of which is secured by the trust deed, or by the 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: Balance of monthly installments of not less than \$250.65 due from August 5, 1993 to present; and subsequent installments of like amounts; subsequent amounts for assessments due under the terms and provisions of the Note and Trust Deed.

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit: \$15,502.77 plus interest, late charges and assessments, thereon from August 5, 1998 at the rate of Eight (8.750%) point seven five percent per annum until paid and all sums expended by the beneficiary pursuant to the terms and provisions of the Note and Trust Deed.

— OVER —

NOTICE OF DEFAULT
AND ELECTION TO SELL

Re: Trust Deed from

Grantor

TO

Trustee

After recording return to (Name, Address, Zip):

ASPEN TITLE & ESCROW, INC
 ATTN: FORECLOSURE DEPARTMENT

SPACE RESERVED
 FOR
 RECORDER'S USE

STATE OF OREGON, } ss.
 County of _____

I certify that the within instrument was received for record on the _____ day of _____, 19_____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/tile/instrument/microfilm/reception No. _____, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____, Deputy

23528

Notice hereby is given that the beneficiary and trustee, by reason of the 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 of the execution by grantor of the trust deed, together with any interest the grantor or grantor's successor 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 the 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 December 13, 1999, at the following place: Front entrance to Aspen Title & Escrow, Inc., located at 525 Main 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.

Other than as shown of record, neither the beneficiary nor the 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

Deborah Hollenbeak & Sheryl Mc Lemore
2129 Hope Street
Klamath Falls, Oregon 97603
Carter-Jones Collection LLC
1143 Pine Street
Klamath Falls, Oregon 97601
Wells Fargo Bank, N.A.
2809 South Sixth Street
Klamath Falls, Oregon 97601

NATURE OF RIGHT, LIEN OR INTEREST

Grantor

Judgment Creditor

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 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 the 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 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.


ANDREW A. PATTERSON

DATED July 23, 1999

Trustee ~~XXXXXXXXXX~~ (state which)

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on _____, 19____,

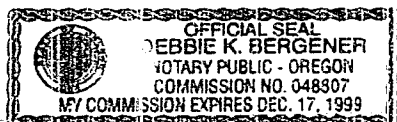
by _____, 1999,

This instrument was acknowledged before me on July 23, 1999,

by Andrew A Patterson

as President

of Aspen Title & Escrow, Inc



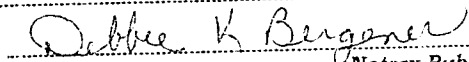

Notary Public for Oregon
My commission expires 12-17-99

EXHIBIT "A"

A portion of the SE 1/4 NW 1/4 Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the South boundary of said SE 1/4 NW 1/4 495 feet East of the Southwest corner of said SE 1/4 NW 1/4; thence North and parallel to the West line of said SE 1/4 NW 1/4, 720 feet to the Southwest corner of the tract herein conveyed, being the place of beginning of this description; thence from said place of beginning East and parallel to the North line of said SE 1/4 NW 1/4, 165 feet; thence North and parallel to the West line of said SE 1/4 NW 1/4, 100 feet; thence West and parallel to the North line of said SE 1/4 NW 1/4, 165 feet; thence South and parallel to the West line of said SE 1/4 NW 1/4, 100 feet to the point of beginning.

LESS Hope Street and that portion described in Deed Volume 351 at Page 629, all being in Klamath County, Oregon.

Tax Acct. No.: 3909-2BD-5300 Key No.: 517621

NS

99 JUN -1 P2:50

Vol M99 Page 21473

29630

ASSIGNMENT OF TRUST DEED
BY BENEFICIARY

ROBERT RABY

Assignor
 ASPEN TITLE AND ESCROW INC. 401(K)
 PROFIT SHARING PLAN TRUST

SPACE RESERVED
 FOR
 RECORDER'S USE

Assignee

After recording, return to (Name, Address, Zip):

ASPEN TITLE
 COLLECTION DEPT. #2018

STATE OF OREGON,

County of _____

ss.

I certify that the within instrument
 was received for record on the _____ day
 of _____, 19____, at
 _____ o'clock _____ M., and recorded in
 book/reel/volume No. _____ on page
 _____ and/or as fee/file/instru-
 ment/microfilm/reception No. _____,
 Records of said County.

Witness my hand and seal of County
 affixed.

NAME

TITLE

By _____, Deputy.

FOR VALUE RECEIVED, the undersigned who is the beneficiary or the beneficiary's successor in interest under that cer-
 tain trust deed dated September 23, 1994, executed and delivered by Deborah Hollenbeak and
 Sheryl McLemore _____, grantor,
 to Aspen Title & Escrow, Inc. _____, trustee, in which
 Robert Raby _____ is the beneficiary, recorded
 on September 30, 1994, in book/reel/volume No. M94 on page 30638, and/or as fee/file/instrument/
 microfilm/reception No. 88995 (indicate which) of the Records of Klamath County, Oregon and
 conveying real property in that county described as follows:

SEE LEGAL DESCRIPTION MARKED EXHIBIT "A" ATTACHED HERETO AND MADE A
 PART HEREOF AS THOUGH FULLY SET FORTH HEREIN

hereby grants, assigns, transfers, and sets over to Aspen Title and Escrow Inc., 401(K) Profit Sharing
 Plan Trust _____, hereinafter called assignee, and assignee's heirs, personal representatives, successors and assigns,
 all of the beneficial interest in and under the trust deed, together with the notes, moneys and obligations therein described or referred
 to, with the interest thereon, and all rights and benefits whatsoever accrued or to accrue under the trust deed.

The undersigned hereby covenants to and with the assignee that the undersigned is the beneficiary or beneficiary's successor
 in interest under the trust deed and is the owner and holder of the beneficial interest therein and has the right to sell, transfer and
 assign the same, and the note or other obligation secured thereby. There is now unpaid on the obligations secured by the trust deed
 the sum of not less than \$ 15,502.77 with interest thereon at the rate of 8.750 percent per annum from
 March 8, 1999.

In construing this instrument, and whenever the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the undersigned has hereunto executed this document. If the undersigned is a corporation, it has
 caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board
 of directors.

Dated MAY 20, 1999.

Robert Raby
 ROBERT RABY

WASHINGTON

STATE OF OREGON, County of Pierce ss.

This instrument was acknowledged before me on May 24, 1999
 by Robert Raby

This instrument was acknowledged before me on _____, 19____.

by _____

as _____

of _____

Notary Public for Oregon

WASHINGTON

EXHIBIT "A"

29631

21474

A portion of the SE 1/4 NW 1/4 Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the South boundary of said SE 1/4 NW 1/4, 495 feet East of the Southwest corner of said SE 1/4 NW 1/4; thence North and parallel to the West line of said SE 1/4 NW 1/4, 720 feet to the Southwest corner of the tract herein conveyed, being the place of beginning of this description; thence from said place of beginning East and parallel to the North line of said SE 1/4 NW 1/4, 165 feet; thence North and parallel to the West line of said SE 1/4 NW 1/4, 100 feet; thence West and parallel to the North line of said SE 1/4 NW 1/4, 165 feet; thence South and parallel to the West line of said SE 1/4 NW 1/4, 100 feet to the point of beginning.

LESS Hope Street and that portion described in Deed Volume 351 at Page 629, all being in Klamath County, Oregon.

CODE 41 MAP 3909-2BD TL 5300

State of Oregon, County of Klamath
Recorded 6/01/99, at 2:30 p.m.
In Vol. M99 Page 21473
Linda Smith, County Clerk
Fee \$ 15

Linda Smith

CN

ASPEN 04049652
TRUSTEE'S NOTICE OF SALE

29632



Reference is made to that certain trust deed made by Deborah Hollenbeak and Sheryl McLemore, as grantor, to Aspen Title & Escrow, Inc., as trustee, in favor of Robert Raby*, as beneficiary, dated September 23, 1994, recorded September 30, 1994, in the mortgage records of Klamath County, Oregon, in book ~~XXXXXX~~ No. M94 at page 30638, or as fee, ~~XXXXXXXXXXXXXXXXXXXX~~ No. 88995 (indicate which), covering the following described real property situated in said county and state, to-wit:

See attached Exhibit "A"

*Assigned on May 20, 1999 and recorded on June 1, 1999 by instrument M99 Page 21473
See attached Exhibit "B".

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 85.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Balance of monthly installments of not less than \$250.65 due from August 5, 1998 to present; and subsequent installments of like amounts; subsequent amounts for assessments due under the terms and provisions of the Note of Trust Deed.

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: \$15,502.77 plus interest, late charges and assessments, thereon from August 5, 1998 at the rate of Eight (8.750%) point seven five percent per annum until paid and all sums expended by the beneficiary pursuant to the terms and provisions of the Note and Trust Deed.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 13, 1999, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at Front entrance to Aspen Title & Escrow, Inc., located at 525 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 grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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 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.

DATED July 23, 1999


ANDREW A. PATTERSON

Trustee

State of Oregon, County of Klamath ss:

I, the undersigned, certify that I am the ~~XXXXXXXXXXXXXXXXXXXX~~ of the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.


~~XXXXXXXXXXXXXXXXXXXX~~ trustee

If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of party to be served.

SERVE:

EXHIBIT "A"

A portion of the SE 1/4 NW 1/4 Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the South boundary of said SE 1/4 NW 1/4 495 feet East of the Southwest corner of said SE 1/4 NW 1/4; thence North and parallel to the West line of said SE 1/4 NW 1/4, 720 feet to the Southwest corner of the tract herein conveyed, being the place of beginning of this description; thence from said place of beginning East and parallel to the North line of said SE 1/4 NW 1/4, 165 feet; thence North and parallel to the West line of said SE 1/4 NW 1/4, 100 feet; thence West and parallel to the North line of said SE 1/4 NW 1/4, 165 feet; thence South and parallel to the West line of said SE 1/4 NW 1/4, 100 feet to the point of beginning.

LESS Hope Street and that portion described in Deed Volume 351 at Page 629, all being in Klamath County, Oregon.

Tax Acct. No.: 3909-2BD-5300 Key No.: 517621

NS

Vol. M99 Page 21473

29634

ASSIGNMENT OF TRUST DEED
BY BENEFICIARY

ROBERT RABY

To Assignor
ASPEN TITLE AND ESCROW INC. 401(K)
PROFIT SHARING PLAN TRUST

Assignee

After recording, return to (Name, Address, Zip):

ASPEN TITLE
COLLECTION DEPT. #2018SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON,

County of _____

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____, Deputy.

FOR VALUE RECEIVED, the undersigned who is the beneficiary or the beneficiary's successor in interest under that certain trust deed dated September 23, 1994, executed and delivered by Deborah Hollenbeak and Sheryl McLeMore, grantor, to Aspen Title & Escrow, Inc., trustee, in which Robert Raby is the beneficiary, recorded on September 30, 1994, in book/reel/volume No. M94 on page 30638, and/or as fee/file/instrument/microfilm/reception No. 88995 (indicate which) of the Records of Klamath County, Oregon and conveying real property in that county described as follows:

SEE LEGAL DESCRIPTION MARKED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF AS THOUGH FULLY SET FORTH HEREIN

hereby grants, assigns, transfers, and sets over to Aspen Title and Escrow Inc., 401(K) Profit Sharing Plan Trust, hereinafter called assignee, and assignee's heirs, personal representatives, successors and assigns, all of the beneficial interest in and under the trust deed, together with the notes, moneys and obligations therein described or referred to, with the interest thereon, and all rights and benefits whatsoever accrued or to accrue under the trust deed.

The undersigned hereby covenants to and with the assignee that the undersigned is the beneficiary or beneficiary's successor in interest under the trust deed and is the owner and holder of the beneficial interest therein and has the right to sell, transfer and assign the same, and the note or other obligation secured thereby. There is now unpaid on the obligations secured by the trust deed the sum of not less than \$15,502.77 with interest thereon at the rate of 8.750 percent per annum from March 8, 1999.

In construing this instrument, and whenever the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the undersigned has hereunto executed this document. If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Dated MAY 20, 1999.

Robert Raby
ROBERT RABY

WASHINGTON
STATE OF OREGON, County of Pierce) ss.

This instrument was acknowledged before me on May 24, 1999
by Robert Raby

This instrument was acknowledged before me on _____, 19____,

by _____
as _____
of _____

Did D. Gordon
Notary Public for Oregon WASHINGTON

29635

EXHIBIT "A"

21474

A portion of the SE 1/4 NW 1/4 Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the South boundary of said SE 1/4 NW 1/4, 495 feet East of the Southwest corner of said SE 1/4 NW 1/4; thence North and parallel to the West line of said SE 1/4 NW 1/4, 720 feet to the Southwest corner of the tract herein conveyed, being the place of beginning of this description; thence from said place of beginning East and parallel to the North line of said SE 1/4 NW 1/4, 165 feet; thence North and parallel to the West line of said SE 1/4 NW 1/4, 100 feet; thence West and parallel to the North line of said SE 1/4 NW 1/4, 165 feet; thence South and parallel to the West line of said SE 1/4 NW 1/4, 100 feet to the point of beginning.

LESS Hope Street and that portion described in Deed Volume 351 at Page 629, all being in Klamath County, Oregon.

CODE 41 MAP 3909-2BD TL 5300

State of Oregon, County of Klamath
Recorded 6/01/99, at 2:30 p.m.
In Vol. M99 Page 21473
Linda Smith, County Clerk
Fee \$ 15-

Linda Smith

State of Oregon, County of Klamath
Recorded 7/26/99, at 11:01 a.m.
In Vol. M99 Page 29627
Linda Smith,
County Clerk Fee \$ 50- KR