

After recording return to:  
BISHOP, LYNCH & WHITE, P.S.  
720 Olive Way, #1600  
Seattle WA 98101-1801  
Attn: Lauri J. Langton  
Ref: Bagwell, 156-1347.01

10432  
Vol M39 Page

K 54583

**NOTICE: UNLESS YOU DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF WITHIN 30 DAYS AFTER RECEIPT OF THIS DOCUMENT, THIS OFFICE WILL ASSUME THE DEBT TO BE VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN THE 30-DAY PERIOD THAT THE DEBT OR ANY PORTION THEREOF IS DISPUTED, VERIFICATION OF THE DEBT WILL BE OBTAINED AND WILL BE MAILED TO YOU. UPON WRITTEN REQUEST WITHIN 30 DAYS, THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR, WILL BE PROVIDED.**

**NOTICE: WE ARE ATTEMPTING TO COLLECT A DEBT, ANY INFORMATION OBTAINED WILL BE USED FOR PURPOSES OF DEBT COLLECTING.**

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to that certain trust deed made by John Bagwell, as grantor, to First American Title Insurance Co., as trustee, in favor of Cendant Mortgage Corporation, as beneficiary, dated April 17, 1998, recorded April 23, 1998, in the mortgage records of Klamath County, Oregon, in Volume M98, Page 13542, covering the following described real property situated in said county and state, to-wit:

LOT 5 IN BLOCK 215, MILLS SECOND ADDITION TO THE CIYT OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON

Commonly known as: 2228 and 2228 1/2 Eberlein Avenue, Klamath Falls  
OR 97601

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 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 said trust deed, or by their successor in interest with respect to provision therein which authorizes 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:

**Monthly Payments:**

Delinquent monthly payments from May 1, 1999 through October 1, 1999

6	Payment(s) at	\$774.52	\$4,647.12
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**Late Charges:**

5	Late Charge(s) at	34.55	
	for each monthly payment not		
	made within 15 days of its due		172.75
	date:		

	Past Due Late Charges		192.84
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	<b>TOTAL MONTHLY PAYMENTS AND LATE CHARGES</b>		<b>\$5,012.71</b>
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x15-  
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:

40433

Unpaid principal balance \$88,147.78, plus interest at the current rate of 8.625% which is subject to change, from April 1, 1999, additional late charges, advances, foreclosure fees and costs.

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 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 said 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 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 11:00 o'clock a.m., in accord with the standard of time established by ORS 187.110 on February 23, 2000, at the following place: at the front entrance to the Klamath County Sheriff's Office, located at 808 So. 5th Street, Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for said 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), paying all advances authorized under the deed of trust, including all costs and expenses incurred in enforcing the obligation and trust deed, 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: October 6, 1999

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

*Krista L. White*  
\_\_\_\_\_  
Krista L. White, Trustee

On this 6 day of October, 1999, personally appeared KRISTA L. WHITE, who acknowledged that she signed the within foregoing instrument as her free and voluntary act and deed for the uses and purposes therein mentioned.

*Trudie Walsh*  
\_\_\_\_\_  
PRINTED NAME: Trudie Walsh  
Notary Public for Washington  
My commission expires: 7-15-00

For Information Call:  
(206) 622-7527  
Ref: 156-1347  
FORBASS/ORBICH/NOT. PRM REV 10/4/99



State of Oregon, County of Klamath  
Recorded 10/12/99, at 1:32 p.m.  
In Vol. M99 Page 40432  
Linda Smith,  
County Clerk Fee \$ 15.00