

NS

NOTICE OF DEFAULT
AND ELECTION TO SELL

RE: Trust Deed from

Clyde Collins and Linda Collins
14815 S. Broadway
Gardenia, CA 90248

1999 DEC 17 AM 11:04

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49561

To

Grantor

Jack & Erlene Simington

Gene & Ruth Neier

1126 No. Eldorado

Klamath Falls, OR 97601

Trustee

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

James R. Uerlings

110 N. 6th Street

Klamath Falls, OR 97601

SPACE RESERVED
FOR
RECORDER'S USE

K-54917

Reference is made to that certain trust deed made by Clyde Collins and Linda Collins

Klamath County Title Company, as grantor, to
in favor of Jack Simington & Erlene Simington, Gene Neier & Ruth Neier, as trustee,
dated July 29, 1994, recorded August 19, 1994, in the Records of
Klamath County, Oregon, in Book XXXXXX, volume No. M94 at page 25850, and/or as
recited in the instrument of record, covering the following described real property
situated in the above-mentioned county and state, to-wit:

Lots 1, 2 and 3, in Block 60, Second Hot Springs Addition to the city of Klamath
Falls, and the Southwesterly 10 feet of the vacated alley adjoining lots 1 and 2
in said block 60, all 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 Records of the county or counties in which the above-described real property is situated. Further, 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 grantor or other person owing an obligation, 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:

Final balloon payment due August 19, 1999 in the amount of \$66,746.43
plus interest at 8 % per annum from May 12, 1999 until paid.

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:

Final balloon payment due August 19, 1999 in the amount of \$66,746.43
plus interest at 8 % per annum from May 12, 1999; plus attorney fees and costs of
foreclosure with interest thereon at 9 % per annum until paid.

(OVER)



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 grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest 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 May 10, 2000, at the following place: 110 N. 6th 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 grantor or of any lessee or other person in possession of or occupying the property, except:

Name and Last Known Address
City of Klamath Falls
Code Enforcement
C/O Jeff Ball, City Attorney
500 Klamath Avenue
Klamath Falls, OR 97601

Nature of Right, Lien or Interest
Code Enforcement and Fire
Department Liens

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 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.

Dated December 16, 1999.

James R. Uerlings

Successor ☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath ss. December 16, 1999.

This instrument was acknowledged before me on December 16, 1999, by James R. Uerlings, Successor Trustee

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

Patricia M. Johnson
Notary Public for Oregon



State of Oregon, County of Klamath
Recorded 12/17/99, at 11:04a m.
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Linda Smith,
County Clerk Fee \$ 15.00