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# NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from

Patricia D. Hanks

To

Grantor

Aspen Title & Escrow(Neal G. Buchanan, Attorney at Law,  
as Successor)

Trustee

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

Neal G. Buchanan435 Oak AvenueKlamath Falls, OR 97601SPACE RESERVED  
FOR  
RECORDER'S USE

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/instrument/microfilm/reception No. \_\_\_\_\_, Records of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_, Deputy.

Reference is made to that certain trust deed made by Patricia D. Hanks

\_\_\_\_\_, as grantor, to Aspen Title & Escrow (Neal G. Buchanan, Attorney at Law, as Successor), as trustee, in favor of Terry J. Minchinton and Marilyn E. Minchinton as joint tenants with full rights of survivorship and not as tenants in common, as beneficiary, dated July 29, 1999, recorded July 30, 1999 ~~XX19~~, in the Records of Klamath County, Oregon, in book/reel/volume No. M99 at page 30599, and/or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_ (indicate which), covering the following described real property situated in the above-mentioned county and state, to-wit:

Lots 4 & 5 Block 2 Lenox in the County of Klamath State of 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: Real property taxes billed for the tax year 1999-2000 in the amount of \$113.12 plus interest; Monthly payment in the sum of \$690.00 due August 29, 1999 and thereafter; Full unpaid balance of Trust Deed installment note due September 29, 1999 in the amount of \$69,000.00 plus interest at the rate of 12% per annum from July 29, 1999 until paid; Late charges in the amount of 5% of the payment amount for any monthly installment not received within 15 days of the date due.

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: Balance of TRUST DEED INSTALLMENT NOTE due September 29, 1999 in the sum of \$69,000.00 together with interest at said sum at the rate of 12% per annum from July 29, 1999 until paid; and real property taxes assessed and unpaid; and all costs, fees and expenses of the trust including trustee's and attorney's fees as provided for by the provisions of the Trust Deed.

(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 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110 on December 4, 2000, ~~xxx~~, at the following place: the law offices of Neal G. Buchanan,  
435 Oak Avenue 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

Patricia D. Hanks  
3947 Fawn Street  
Klamath Falls, OR 97601

Nature of Right, Lien or Interest

Grantor, Fee Owner, and  
Party in Possession

Edward Weise  
P.O. Box 40  
Loyalton, CA 96118

Judgment Creditor, Klamath County  
Circuit Court Case No. 0000257CV

William L. Sisemore  
830 Main St.  
Klamath Falls, OR 97601

Possible attorney lien/claim arising  
from out of Klamath County Circuit  
Case No. 0000257CV

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 July 17, 2000, ~~xxx~~

*Neal G. Buchanan*  
NEAL G. BUCHANAN

Successor ☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath ss.

This instrument was acknowledged before me on July, 2000, ~~xxx~~,  
by Neal G. Buchanan

This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_,  
by \_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_

*Marsha Cobine*  
Notary Public for Oregon  
My commission expires 11-7-03

State of Oregon, County of Klamath  
Recorded 07/17/00, at 12:37 p.m.  
In Vol. M00 Page 25979  
Linda Smith,  
County Clerk Fee\$ 26<sup>00</sup>

