

NS K56433

2001 FEB 13 PM 2:42

NOTICE OF DEFAULT
AND ELECTION TO SELL

RE: Trust Deed from

Jimmie A. Godwin

Delores Ann Godwin

To

Grantor

Aspen Title

James R Uerlings/ Successor Trustee

Trustee

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

Boivin, Uerlings & DiLaconi, P.C.

803 Main Street, Suite 201

Klamath Falls, Oregon 97601

SPACE RESERVED
FOR
RECORDER'S USEVol M01 Page 5778
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 ~~Jimmie A. Godwin & Delores Ann Godwin~~, Husband and Wife _____, as grantor, to

~~Aspen Title & Escrow, Inc., an Oregon Corporation~~, as trustee, in favor of ~~Vivian May Boswell, AKA Vivien Mae Boswell, Ronald C. Healy, *~~, as beneficiary, dated ~~May 4,~~ 1984, recorded ~~May 21,~~ 1984, in the Records of ~~Klamath~~ County, Oregon, in book/reel/volume No. ~~M84~~ at page ~~8400~~, 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: **

* AKA Ronald G. Healy & Stanley L. Healy, each as to an undivided 1/3 interest each.

** N1/2 of Section 26, Township 35 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

This document is being re-recorded to correct trustee

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:

The monthly installment due for October 20, 1997 & each month thereafter of \$300.00 through scheduled maturity on 11-20-96; failure to pay real property taxes for the years: 1995 - 2001. (Beneficiary has advanced the sum of \$1472.39 to pay delinquent taxes for tax years 95 -96; 96-97; 97-98, to prevent foreclosure).

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:

- 1) \$18,116.95 plus 10% interest from 10-7-1997.
- 2) Attorney fees, title foreclosure report fees, recording fees & costs collectible under Oregon law.
- 3) Real property taxes advanced of \$1472.39 plus 10% interest from 2-9-2001.
- 4) All other Real Property taxes due Klamath County through tax year 2000-2001.

(OVER)

OC.
K-10 RR

1062



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 2:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110 on July 10, 2001 at the following place: Boivin, Herlings & DiLaconi, P.C. 803 Main St., Suite 201 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

Nature of Right, Lien or Interest

Jimmie A. Godwin Jr. Joseph A. Godwin
PO Box 234 PO Box 234
Beatty, Oregon 97621 Beatty, Oregon 97621

Interest as stated in Deed Vol M00 Page
36219 recorded 10/03/00

Julie A. Smith Janet A. Godwin
PO Box 234 PO Box 234
Beatty, Oregon 97621 Beatty, Oregon 97621

Telephone Utilities of Eastern Oregon, Inc. Easement Interest
PO Box 17035, Salem, Oregon 97305

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 February 9, 19, 2001

James R. Herlings, Attorney

Successor Trustee

☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath ss.

This instrument was acknowledged before me on 2-9-, 2001,

by _____

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

by _____

as _____

of _____

Susan K. Cox
Notary Public for Oregon



State of Oregon, County of Klamath
Recorded 02/16/01, at 3:12 p.m.
In Vol. M01 Page 6462
Linda Smith,
County Clerk Fee\$ 10.00 RR

State of Oregon, County of Klamath
Recorded 02/13/01, at 2:42 p.m.
In Vol. M01 Page 5778
Linda Smith,
County Clerk Fee\$ 26.00