

45039 PROOF OF SERVICE

8399

VOL 77 PAGE

STATE OF OREGON, County of Klamath, ss:

I, Eddie Chaney, being first duly sworn, depose, say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of twenty-one years and not the beneficiary or his successor in interest or the trustee or successor-trustee or the attorney for any of them, or a party to the foreclosure proceeding described in the attached original notice of sale given under the terms of that certain trust deed described in said notice;

I personally served the attached notice of sale within the County of Klamath, Oregon, on May 18, 1970, by personally delivering a true copy of said notice of sale, certified to be such by the attorney for the trustee named in said notice, to:

FEREL J. CLARK

them (if an individual) personally and in person. If any of the persons so served is a corporation, said service was made by the delivery of such true copy of said notice so certified, to:

The said service of said notice of sale was fully completed more than 120 days prior to the day fixed in said notice by said trustee for the trustee's sale. Each of the persons so served by me is the identical person named in the trustee's certificate immediately preceding this affidavit.

J. M. BRITTON, SHERIFF
KLAMATH COUNTY
KLAMATH FALLS, OREGON 97601

Eddie A. Chaney Deputy

TRUSTEE'S INSTRUCTIONS AND
PROOF OF SERVICE OF NOTICE
OF TRUSTEE'S SALE

FORM No. 8908

STEVENS-NEEL LAW PUB. CO., PORTLAND, ORE.

RE: Trust Deed from

Grantor TO Trustee

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 on page. Record of Mortgages of said County. Witness my hand and seal of County affixed.

By Title Deputy AFTER RECORDING RETURN TO

AMERICA TITLE INSURANCE CO.
600 MAIN STREET
KLAMATH FALLS, OREGON 97601

STATE OF OREGON, County of, ss:

Personally appeared the above named, who subscribed and swore to the foregoing affidavit and acknowledged the foregoing instrument to be his voluntary act and deed.

(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires

PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing proof.

FORM No. 654—GENERAL POWER

45039

WARRANTY DEED

45039

1 KNOW ALL MEN BY THESE PRESENTS, that
2 qualified and acting Executrix of the Estate
3 hereinafter referred to as Grantor, for the purpose
4 has bargained and sold, and by these presents
5 convey unto Walton H. Spillar and Marijon Spillar
6 described premises situated in Klamath County, Oregon, to-wit:
7 Tracts 14 and 17 of KIELSMEIER ACRES
8 Subject to: 1970-71 real property taxes, and all other
9 yet payable; Contract and/or lien for purchase of said premises
10 Inclusion in the South Suburban Sanitary District, and all
11 liens and assessments thereof; and all other liens and assessments
12 record and those apparent on the last day of August, 1970.
13 The true and actual consideration for the above premises is
14 TO HAVE AND TO HOLD the same unto the said Walton H. Spillar
15 entirety.
16 This conveyance is made pursuant to and in accordance with the
17 Last Will and Testament of the deceased, and the order of the
18 the property of the Estate without application to the Circuit Court
19 out regard to any prescribed statutory provisions therefor, this
20 Executor having hereunto returned her Return of Sale, and said Court
21 Circuit Court of the State of Oregon for the purpose of confirming
22 said sale, the order of confirmation having been made on the
23 page 4841 of the Probate Journal of said County of Klamath, Oregon,
24 IN WITNESS WHEREOF, said Executrix has hereunto set her hand and
of August, 1970.

SEP 22 3 45 PM 1970

SK

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by GROVER C. CLARK and FEREL J. CLARK, husband and wife, as grantor, to Transamerica Title Insurance Co., 600 Main Street, as trustee, to secure certain obligations in favor of EVELYN F. MCATEE, a married woman, as beneficiary, dated October 14, 1969, recorded October 15, 1969, in book M69 at page 8801 of the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit:

Lot 13, Odessa Summer Home Sites, Klamath County, Oregon.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and to foreclose said deed by advertisement and sale; the default for which the foreclosure is made is grantor's failure to pay when due the following sums owing on said obligations, which sums are now past due, owing and delinquent:

\$3,184.00 plus interest thereon at the rate of seven percent per annum from October 14, 1969.

By reason of said default the beneficiary has declared the entire unpaid balance of all obligations secured by said trust deed together with the interest thereon, immediately due, owing and payable, said sums being the following, to-wit:

\$3,184.00 plus interest thereon at the rate of seven percent per annum from October 14, 1969.

A notice of default and election to sell and to foreclose was duly recorded April 27, 1970, in book M70 at page 3295 of said mortgage records, reference thereto hereby being expressly made. WHEREFORE, NOTICE HEREBY IS GIVEN That the undersigned trustee will on Thursday, the 24th day of September, 1970, at the hour of 11:00 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at 600 Main Street, Transamerica Title Insurance Co., 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 him of the said trust deed, together with any interest which the grantor or his 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 Section 86.760 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had no default occurred) together with costs, trustee's and attorney's fees at any time prior to five days before the date set for said sale.

In construing this notice and whenever the context hereof so requires, the masculine gender includes the feminine and the neuter, 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 their successors in interest; the word "trustee" includes any successor trustee and the word "beneficiary" includes any successor in interest of the beneficiary named in the trust deed.

DATED at Klamath Falls, Oregon, May 14, 1970.

TRANSAMERICA TITLE INSURANCE COMPANY, TRUSTEE
BY: *Jerry J. Kern* Assistant Secretary
Trustee

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Transamerica Title Company
this 22nd day of September, A.D., 1970, at 3:45 o'clock PM., and duly recorded in
Vol. M 70 of Mortgages on Page 8390.

fee \$3.00

WM. D. MILNE, County Clerk
By: *Phyllis Butler*

FORM No. 654—GENERAL POWER

45039

WARRANTY DEED

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11 liens and assessments thereof; and all other liens and
12 record and those apparent on the last record.
13 The true and actual consideration for the premises hereinabove
14 TO HAVE AND TO HOLD the same unto the said Walton H. Spillar
15 entirety.
16 This conveyance is made pursuant to a Last Will and Testament of the deceased,
17 the property of the Estate without application of the Court
18 out regard to any prescribed statutory provisions therefor, this Executor having here
19 Circuit Court of the State of Oregon for the purpose of
20 tate her Return of Sale, and said Court having confirmed said
21 said sale, the order of confirmation having been entered on
22 page 4841 of the Probate Journal of said County of Klamath,
23 IN WITNESS WHEREOF, said Executrix has hereunto set her hand and
24 of August, 1970.

SEP 22 3 45 PM 1970