

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by GROVER C. CLARK and FEROL J. CLARK, husband and wife, as grantor, to OREGON TITLE COMPANY, as trustee, to secure certain obligations in favor of COMMERCE MORTGAGE COMPANY, as beneficiary, dated October 10, 1967, recorded October 16, 1967, in book M-67 at page 7985 of the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit:

S $\frac{1}{2}$  of Lot 8, Block 3, SECOND ADDITION TO ALTAMONT ACRES, EXCEPTING THEREFROM 5 feet taken by Klamath County for the widening of Bisbee Street in Deed Volume 362, Page 563.

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: Installments due January 1, 1970, February 1, 1970, March 1, 1970, April 1, 1970, May 1, 1970, June 1, 1970, July 1, 1970, August 1, 1970, September 1, 1970, October 1, 1970, and November 1, 1970, all in the amount of \$110.00 each.

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:

\$11,389.22 with interest at 6% per annum from December 1, 1969; the further sum of \$300.00 estimated real property taxes, together with late charges of \$2.20 for each installment more than 15 days' delinquent; any delinquent tax assessments or insurance premiums due and payable, attorney and trustee fees and all costs and expenses of non-judicial foreclosure proceedings.

A notice of default and election to sell and to foreclose was duly recorded December 1, 1970, in book M-70 at page 10684 of said mortgage records, reference thereto hereby being expressly made.

WHEREFORE, NOTICE HEREBY IS GIVEN That the undersigned trustee will on Monday, the 12th day of April, 1971, at the hour of 10 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at the front steps of the courthouse, 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, December 2, 1970.

[Signature]  
Successor Trustee

State of Oregon, County of \_\_\_\_\_, ss:

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee; that I have carefully compared the foregoing copy of trustee's notice of sale with the original thereof and that the foregoing is a true, correct and exact copy of the original trustee's notice of sale and of the whole thereof.

DATED at \_\_\_\_\_, Oregon, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

22  
Attorney for said Trustee



AFFIDAVIT OF MAILING

2995

STATE OF OREGON )  
County of KLAMATH ) ss.

I, H. F. SMITH, being first duly sworn, on oath, depose and say:  
I am the successor trustee under that certain Trust Deed dated October 10, 1967, recorded October 16, 1967, in Book M-67, Page 7985, Mortgage Records of Klamath County, Oregon, wherein Grover C. Clark and Ferol J. Clark, husband and wife, are grantors, Oregon Title Insurance Company is the trustee and Commerce Mortgage Company is the beneficiary. On December 2, 1970, I caused to be mailed by United States certified mail, postage fully prepaid, copies of the Trustee's Notice of Sale to the following-named parties, to-wit:

Metropolitan Life Insurance, Richard A. Moore, Registered Agent, 1600 S.W. 4th Avenue, Portland, Oregon  
Carter-Jones Collection Service, Inc., 1215 Main Street, Klamath Falls, Oregon  
Mrs. Ferol J. Clark, 3811 Kelley Drive, Klamath Falls, Oregon  
Mr. Grover C. Clark, 3811 Kelley Drive, Klamath Falls, Oregon  
Mrs. Eloise M. DeMaranville, Route 1, Box 76, Klamath Falls, Oregon  
Mr. Dannie E. DeMaranville, Route 1, Box 76, Klamath Falls, Oregon

Said notices were duly delivered to Metropolitan Life Insurance, Carter-Jones Collection Service, Inc., Mrs. Eloise M. DeMaranville and Mr. Dannie E. DeMaranville as shown by return receipts therefor. The notices sent to Mr. Grover C. Clark and Mrs. Ferol J. Clark were returned to the sender by the U. S. Postal Department, marked "Unclaimed".

Dated this 5th day of April, 1971.

*H. F. Smith*

SUBSCRIBED and sworn to before me this 5th day of April, 1971.

*Delores Baldwin*  
NOTARY PUBLIC FOR OREGON

My commission expires May 13, 1973



AFFIDAVIT OF NON-MILITARY SERVICE

2996

STATE OF OREGON )  
County of Klamath ) ss.

I, H. F. SMITH, being first duly sworn, on oath, depose and say: I am the successor trustee under that certain Trust Deed dated October 10, 1967, recorded October 16, 1967, in Book M-67, Page 7985, Mortgage Records of Klamath County, Oregon, wherein Grover C. Clark and Ferol J. Clark, husband and wife, are the grantors, Oregon Title Insurance Company is the trustee and Commerce Mortgage Company is the beneficiary. I am informed and believe and, therefore, on said information and belief, state that the said Grover C. Clark and Ferol J. Clark or either of them, and that Dannie E. DeMaranville and Eloise M. DeMaranville, or either of them, are not in the military service of the United States of America as that term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

*H. F. Smith*

SUBSCRIBED and sworn to before me this 5th day of April, 1971.

*Dolores Ballum*  
NOTARY PUBLIC FOR OREGON  
My commission expires May 13, 1973



## TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON, County of KLAMATH ss.I, H. F. SMITH, being first duly sworn, depose, say and certify that:

I am the SUCCESSOR trustee in that certain trust deed executed and delivered by GROVER C. CLARK and FEROL J. CLARK, husband and wife,  
as grantor to OREGON TITLE INS. CO. as trustee, in which COMMERCE MORTGAGE  
COMPANY  
 is beneficiary, recorded on October 16, 1967, in book M-67 at page 7985 of the mortgage records of Klamath County, Oregon, covering the following described real property situate in said county:

S $\frac{1}{2}$  of Lot 8, Block 3, SECOND ADDITION  
 TO ALTAMONT ACRES, EXCEPTING THEREFROM  
 5 feet taken by Klamath County for the  
 widening of Bisbee Street in Deed Volume  
 362, Page 563.

I hereby certify that on April 7, 1971, the above described real property was not occupied by any of the persons named in subsection 1 of Section 86.750, Oregon Revised Statutes.

The word "trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed first mentioned above.

H. F. Smith  
 Successor Trustee

Subscribed, sworn to and acknowledged before me this 8th day of April, 1971.

Delores Baldwin  
 Notary Public for Oregon

(OFFICIAL SEAL)

My commission expires: May 13, 1973

STATE OF OREGON  
 County of Klamath  
 Filed for record at request of

H. F. Smith, Attorney at Law  
 on this 8th day of April A.D. 19 71  
 at 2:26 o'clock P. M. and day  
 recorded in Vol. M 71 of Mortgages  
 Page 2994

Wm D. MILNE, County Clerk  
 By James D. Stille Deputy  
 Fee 6.00

Return to:  
H. F. Smith  
Attorney at Law  
531 Main  
City