

87376

Vol. 74 Page 4129

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF OREGON, County of Multnomah, ss:

I, Victor W. VanKoten, 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 named in the attached original notice of sale given under the terms of that certain trust deed described in said notice;

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by registered or certified mail to each of the following named persons at their respective last known addresses, to-wit:

NAME	ADDRESS
Kenneth L. Pheanis	4414 Hope Street Klamath Falls, Oregon 97601
Catherine V. Pheanis	4414 Hope Street Klamath Falls, Oregon 97601

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Leroy H. Hemmingway, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Portland, Oregon, on February 19, 1974. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale.

*Victor W. VanKoten*  
Victor W. VanKoten

STATE OF OREGON, County of Multnomah, ss: February 19, 1974.

Personally appeared the above named Victor W. VanKoten, who subscribed and swore to the foregoing affidavit and acknowledged the foregoing instrument to be his (or her) voluntary act and deed.

Before me: *Joanne Shinto*  
Notary Public for Oregon  
My commission expires 11/5/78

(SEAL)

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

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Grantor

TO

Trustee

AFTER RECORDING RETURN TO

*Lake, Hardy, Bottley, McEwen & Weiss*  
1408 Standard Plaza  
Portland, OR 97204  
ATTN: Victor W. VanKoten

(DON'T USE THIS SPACE; RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

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 \_\_\_\_\_ of Record of Mortgages of said County. Witness my hand and seal of County affixed.

By \_\_\_\_\_ Title.  
Deputy



## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by KENNETH L. PHEANIS and CATHERINE V. PHEANIS, husband and wife, as grantor, to KLAMATH COUNTY TITLE COMPANY, as trustee, to secure certain obligations in favor of FIRSTBANK MORTGAGE CORPORATION, as beneficiary, dated August 23, 1972, recorded September 26, 1972, in book Vol. M72 at page 10904 of the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit: Lot 18 in Block 7 of TRACT No. 1025 WINCHESTER, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

Subsequent to the execution of said Trust Deed, Marina Federal Savings & Loan Association became, and now is, the beneficiary thereunder by virtue of an Assignment from Firstbank Mortgage Corporation recorded November 20, 1972 in Vol. M72, page 13449, Microfilm Records of Klamath County, Oregon. Victor W. VanKoten became and now is, the successor trustee thereunder by virtue of an appointment by Marina Federal Savings & Loan Association dated the 6th day of February, 1974 and recorded February 13, 1974 in Vol. M74, page 2390 microfilm records of 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: Payments of \$180 per month for each of the months of August, 1973, September, 1973, October, 1973, November, 1973, December, 1973, January, 1974 and February, 1974.

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: (1) Principal balance of \$22,656.08 plus interest at 7% per annum from July 1, 1973;

(2) Tax and insurance deficiency in the amount of \$99.68.

A notice of default and election to sell and to foreclose was duly recorded February 13, 1974, in book Vol. M 72 at page 2391 of said microfilm records, reference thereto hereby being expressly made. WHEREFORE, NOTICE HEREBY IS GIVEN That the undersigned trustee will on Monday 15th day of July 1974, at the hour of 9:30 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at Front steps, Klamath County 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 Portland, Oregon, February 19, 1974.

s/ Victor W. VanKoten

Victor W. VanKoten  
Successor Trustee

State of Oregon, County of Multnomah, 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 Portland, Oregon, this 19th day of February, 1974.

Leroy H. Hemmingway  
Leroy H. Hemmingway  
Attorney for said Trustee



RECEIVED  
FEB 21 4 43 PM '74  
J.M. BRITTON, SHERIFF  
KLAMATH COUNTY, OREGON  
BY DEPUTY

4131

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY TITLE CO  
this 4th day of APRIL 4:28 A. D. 1974 at 7 o'clock PM., and  
duly recorded in Vol. M 74, of MORTGAGES on Page 4129  
Wm D. MILNE, County Clerk  
By Hazel Drayton

FEE \$ 4.00