

6345

TRUSTEE'S NOTICE OF SALE

Vol. 75 Page 13084

Reference is made to that certain trust deed made, executed and delivered by John Elwin Probst and Patricia Lynn Probst, husband and wife, as grantor, to Transamerica Title Insurance Company, as trustee, to secure certain obligations in favor of State Finance Co., as beneficiary, dated June 22, 1966, recorded June 23, 1966, in the mortgage records of Klamath County, Oregon, in book M-66 at page 6426, or as file number (indicate which), covering the following described real property situated in said county and state, to-wit:

The North 1/2 of Lot 8 in Block 7 of ALTAMONT ACRES, Klamath County, Oregon.

* The Grantors conveyed said property to Dale L. and Sandra K. Mullica by deed dated April 28, 1970, recorded May 22, 1970, in Book M-70 at page 4071, Klamath County Deed Records and the said Mullicas conveyed said property to Christina Allen by deed dated March 15, 1973, recorded August 10, 1973 in Book M-73 at page 10622, Klamath County Deed Records. 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:

Failure of the Grantor and present title holder to pay principal, interest and tax reserve payments of \$85.00 due August 1, 1974 and each month thereafter, together with late charges of \$8.36 (subject to increase).

**The Trustee has resigned and Kenneth A. Holmes was appointed Successor Trustee by document of record.

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:

\$6,222.80, together with interest thereon at the rate of 5.75% per annum from July 1, 1974, until paid, together with late charges of \$8.36 (subject to increase), together with costs as allowed by statute and reasonable attorney's and trustee's fees as allowed by statute.

***The present beneficiary is Mortgage Bancorporation, an Oregon corporation, by reassignment filed June 27, 1975 in Book M-75 at page 7278, Klamath County Deed Records.

A notice of default and election to sell and to foreclose was duly recorded July 10, 1975, in book M75 at page 7813 of said mortgage records, reference thereto hereby being expressly made.

WHEREFORE, NOTICE HEREBY IS GIVEN That the undersigned trustee will on Friday, the 28th day of November, 1975, at the hour of 10:00 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at the Front Door of the Klamath Co. 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 Salem, Oregon, July 11, 1975.

Successor Trustee

State of Oregon, County of Marion, 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 Salem, Oregon, this 11 day of July, 1975.

Attorney for said Trustee

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PROOF OF PERSONAL SERVICE OF NOTICE OF TRUSTEE'S SALE
AND TRUSTEE'S INSTRUCTIONS RELATIVE THERETO

TRUSTEE'S INSTRUCTIONS TO the person who serves the trustee's notice of sale hereto attached:

STATE OF OREGON, County of Marion) ss.

I, the undersigned Kenneth A. Holmes trustee, being first duly sworn, depose, say and certify:

Reference is made to that certain trust deed executed and delivered by John Elwin and Patricia Lynn Probst, husband and wife, as grantor to Transamerica Title Insurance Co. as trustee, in which State Finance Co. is beneficiary, recorded on June 23, 1966, in book M-66t page 6426, or as filing fee number (indicate which) of the mortgage records of Klamath County, Oregon, covering the following described real property situate in said county:

The North 1/2 of Lot 8 in Block 7 of ALTAMONT ACRES, Klamath County, Oregon.

A notice of default and election to sell and to foreclose said trust deed by advertisement and sale has been duly recorded in the mortgage records of said county. You hereby are directed to serve the trustee's notice of sale in said foreclosure proceedings upon the following person or persons whose interest in said described real property is stated below:

NAME OF PERSON TO BE SERVED	NATURE OF INTEREST
Christina Allen 3713 Altamont Drive Klamath Falls, Oregon 97601	Present Title Holder and Successor Grantor subject to the lien of said Trust Deed.

The undersigned hereby certifies that the person or persons just named are the only persons named in subsection 1 of Section 86.750 of Oregon Revised Statutes who now occupy said real property. The word "trustee" as used in this affidavit means and includes any successor-trustee to the trustee named in the trust deed first mentioned above.

Subscribed and sworn to before me this 11 day of July, 1975.

(OFFICIAL SEAL)

Successor Trustee
Notary Public for Oregon
My commission expires: 5/20/77

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PROOF OF SERVICE

STATE OF OREGON, County of KLAMATH, ss:

I, LAWRENCE M. FRIEND, 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 JULY 15, 1975, 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 CHRISTINA ALLEN and to each of 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 CHRISTINA ALLEN

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.

Lawrence M. Friend

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

FORM No. 8908
STEVENS-NESS LAW FIRM, P.C., PORTLAND, ORE.

RE: Trust Deed from

Grantor

TO

Trustee

STATE OF OREGON

County of KLAMATH

I certify that the within instrument was received for record on the 20th day of OCTOBER, 1974, at 4:34 o'clock P.M., and recorded in book M. 75 on page 1309, as filing fee number 6345, Recording of Mortgages of said County.

Witness my hand and seal of County affixed.

M. D. MILNE

COUNTY CLERK

Title

By *Hazel Magid* Deputy

AFTER RECORDING RETURN TO

Kenneth G. Holmes

960 Broadway

Salem, Ore

FEE \$ 9.00

STATE OF OREGON, County of KLAMATH, ss: JULY 15, 1975, 19

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

Before me:

(OFFICIAL
SEAL)

Phyllis G. Finney
Notary Public for Oregon
My commission expires 4/30/76

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

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