

86436

AFFIDAVIT OF MAILING NOTICE OF SALE

Vol. 80 Page 12329

STATE OF OREGON, County of Klamath, ss:

I, William L. Sisemore, 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
E. W. G. Development Company	4093 W. 11th Street Eugene, Oregon 97401

Each of the notices so mailed was certified to be a true copy of the original notice of sale by William L. Sisemore, 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 Klamath Falls, Oregon, on March 5, 1980. 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.

William L. Sisemore

STATE OF OREGON, County of Klamath, ss: March 6, 1980

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

(SEAL)

Before me: Clara M. Fahey
Notary Public for Oregon. My commission expires 2-5-81

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

TO	Grantor
	Trustee

WILLIAM L. SISEMORE
Attorney at Law
540 Main Street
Klamath Falls, OR 97601

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

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

By _____ Title.
Deputy

PH 3 06

12330



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by E. W. G. DEVELOPMENT COMPANY, as grantor, to TRANSAMERICA TITLE INSURANCE COMPANY, as trustee, to secure certain obligations in favor of JOSEPH H. FRANCISCO and DOROTHY L. FRANCISCO, his wife, as beneficiary, dated November 20, 1979, recorded December 13, 1979, in the mortgage records of Klamath County, Oregon, in book M-79 at page 28750, or as file number 78113, ~~and book~~ (in the exception), covering the following described real property situated in said county and state, to-wit:

more particularly described in Exhibit A attached hereto and made a part hereof.

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:

\$41,123.15 due on January 15, 1980, together with real property taxes due on the subject property.

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:

\$41,123.15 plus interest at the rate of 9% per annum from the due date of January 15, 1980.

A notice of default and election to sell and to foreclose was duly recorded February 27, 1980, in book M-80 at page 3772 of said mortgage records, reference thereto hereby being expressly made.

WHEREFORE, NOTICE HEREBY IS GIVEN That the undersigned trustee will on Monday, the 7th day of July, 1980, at the hour of 10:00 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at Room 204, 540 Main Street, 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, February 28, 1980.

William J. Lescine

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____.

Attorney for said Trustee

PARCEL 1

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point which is 30 feet West and 30 feet South of quarter corner between Sections 1 and 2, Township 39 South, Range 9 East of the Willamette Meridian, and being the true point of beginning of this description; thence South 308.88 feet to a point; thence West 56.4 feet to a point; thence North 308.88 feet to a point; thence East 56.4 feet to the point of beginning.

EXCEPTING THEREFROM that portion deeded to State of Oregon by and through its State Highway Commission by Deed Volume 353 at page 439.

PARCEL 2

Beginning at a point 30 feet South and 86.4 feet West of the quarter corner between Sections 1 and 2, Township 39 South, Range 9 East of the Willamette Meridian; thence South 376.5 feet; thence North 70° 19' West 63.2 feet; thence North 355.6 feet; thence East 59.5 feet to the place of beginning.

EXCEPTING THEREFROM that portion deeded to State of Oregon by and through its State Highway Commission in Deed Volume 354 at page 251.

SAVING AND EXCEPTING from the above described parcels a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a one-half iron pin on the West line of Madison Street and the Northerly bank of the Enterprise Canal which iron pin bears South 30.0 feet and West 30.0 feet and South 396.7 feet from the East quarter corner of said Section 2; thence along the Northerly bank of the Enterprise Canal North 70° 19' West a distance of 123.1 feet to a one inch iron axel; thence North a distance of 85.6 feet to a point; thence East parallel with the South right of way line of South Sixth Street, a distance of 115.9 feet to a point on the West line of Madison Street; thence South along said West line a distance of 126.7 feet, more or less, to the point of beginning.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 3rd day of July A.D., 19 80 at 3:05 o'clock P. M., and duly recorded in Vol. M80, of Mortgages on Page 12329.

FEE \$10.50

WM. D. MILNE, County Clerk

By Berntha Ketch

Deputy

WILLIAM L. SISEMORE
Attorney at Law
540 Main Street
Klamath Falls, OR 97601