

86440

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF OREGON, County of Klamath, ss:

Vol. 50 Page 12337

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.

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 ~~(voluntary)~~ voluntary act and deed.

(SEAL)

Before me: Clover M. Farley
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

Grantor

TO

Trustee

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

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

STATE OF OREGON,

County of _____ } ss.

I certify that the within instru-
ment 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.

Title.

By _____ Deputy

1980 JUL 3 PM 3 79

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SK

AMENDED
TRUSTEE'S NOTICE OF SALE

12338



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 RAYMOND A. FRANCISCO and BYRDINE J. FRANCISCO, his wife, as beneficiary, dated November 18, 1979, recorded January 17, 1980, in the mortgage records of Klamath County, Oregon, in book M-80 at page 1079, ~~of page 1079~~, ~~and book~~ ~~XXXXXX~~, covering the following described real property situated in said county and state, to-wit: A portion of the NE 1/4, 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 1/2 inch 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 axle; 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.

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:

\$28,400.00 due January 15, 1980.

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:

\$28,400.00.

A notice of default and election to sell and to foreclose was duly recorded February 28, 1980, in book M-80 at page 3842 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 10:15 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 L. Sisemore

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., 1980, at 3:09 o'clock P.M., and duly recorded in Vol M80 of Mortgages on Page 12337.

DATE 7/1/80
FEE \$7.00

WM. D. MILNE, County Clerk
By *Bernetha H. Retch* Deputy

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