

18181

TRUSTEE'S NOTICE OF SALE

Vol. M82 Page 17442

Reference is made to that certain trust deed made, executed and delivered by GARY J. COMER and GILBERTE M. COMER, husband and wife, as grantor, to STEVEN A. ZAMSKY, as trustee, to secure certain obligations in favor of FIDELITY MORTGAGE COMPANY, a California corp., as beneficiary, dated 22 August, 1980, recorded 10 September, 1980, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M80 at page 17136, or as document/fee/file/instrument/microfilm No. 89463 (indicate which), covering the following described real property situated in said county and state, to-wit:

Block 2, Lot 10 of the First Addition to Nimrod River Park.

Subject to all conditions, covenants, reservations, restrictions, easements, rights and rights of way of record and those apparent on the ground, official records of said county and state.

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:

\$64.00 due August 22, 1981, and all payments due thereafter.

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:

The principal amount of \$2552.66, plus interest at the rate of ten percent (10%) per annum from July 22, 1981.

A notice of default and election to sell and to foreclose was duly recorded November 24 1982, in book M82 at page 15655 of said mortgage records, reference thereto hereby being expressly made.

WHEREFORE, NOTICE HEREBY IS GIVEN That the undersigned trustee will on Thursday, the 31st day of March, 1983, at the hour of 10 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at 110 North 6th, Suite 207, 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, November 24, 1982.

*Steven A. Zamsky*

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

17443

AFFIDAVIT OF MAILING NOTICE OF SALE TO GRANTOR,  
SUCCESSOR IN INTEREST TO GRANTOR AND PERSON REQUESTING NOTICE

STATE OF OREGON, County of Klamath, ss:

I, Nancy L. Doane

, 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 eighteen 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

Gary J. and Gilberte M. Comer

22348 James Alan Circle  
Chatsworth, CA 91311

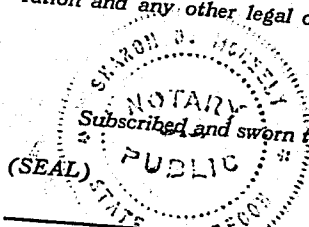
Said persons include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, and any person requesting notice as provided in ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Steven A. Zamsky

Steven A. Zamsky, 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 November 24, 19 82. 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.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Nancy L. Doane



(SEAL) Subscribed and sworn to before me this 3 day of December, 19 82.

Sharon D. McVee

Notary Public for Oregon. My commission expires 11-3-86.

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 TO GRANTOR, SUCCESSOR IN INTEREST TO  
GRANTOR, AND PERSON REQUESTING NOTICE

RE: Trust Deed from

Gary J. and Gilberte M. Comer

Grantor

TO

Steven A. Zamsky,

Trustee

AFTER RECORDING RETURN TO

Steven A. Zamsky, P.C.  
110 North 6th, Suite 207  
Klamath Falls, OR 97601

STATE OF OREGON,

County of Klamath, ss.

I certify that the within instrument was received for record on the 9 day of Dec., 19 82 at 10:59 o'clock AM., and recorded in book/reel/volume No. M82 on page 17442 or as document/fee/file/instrument/microfilm No. 18181, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn county clerk

By Joyce McVee Deputy

Fee \$8.00

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