

K-35243

FORM No. 8908—Oregon Trust Deed Series—AFFIDAVIT RE 120 DAY SERVICE ON OCCUPANT.  
10/3/79

82-4005

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE. 97204

19352

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PROOF OF SERVICE OF TRUSTEE'S NOTICE OF SALE UPON OCCUPANT AND TRUSTEE'S INSTRUCTIONS  
RELATIVE THERETO (120-Day Notice)

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale hereto attached:

STATE OF OREGON }  
County of Multnomah } ss.

I, the undersigned trustee, being first duly sworn, depose and say:  
The person to be served named below is an occupant of the property described in the Notice of Sale attached hereto and is either the grantor in the trust deed described in said Notice of Sale, or the successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, or a lessee.

You are hereby directed to serve the Trustee's Notice of Sale in the manner in which a summons is served pursuant to ORCP 7 D.(2) and 7 D.(3), upon the following person or persons:

NAME OF PERSON TO BE SERVED

PROPERTY ADDRESS

Lawrence A. McFall, Jr.

John Doe and Jane Doe  
(OCCUPANTS)2220 Oregon Avenue  
Klamath Falls, Oregon 976012220 Oregon Avenue  
Klamath Falls, Oregon 97601

Service must be made at least 120 days before the date fixed for the trustee's sale in the Notice of Sale attached hereto. The last day for service is September 13, 1982.

The undersigned hereby certifies that said person is the only person named in ORS 86.750(1) who now occupies said property.

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

Subscribed and sworn to before this 30th day of August, 1982.

*Therese A. McFall*  
Trustee

*Doreen Hance*  
Notary Public for Oregon

My commission expires 3-11-85

(SEAL)

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

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

(120-Day Notice per ORS 86.750(1))

RE: Trust Deed from  
Lawrence A. McFall, Jr.

Grantor

TO

Mountain Title Company

Trustee

AFTER RECORDING RETURN TO

Douglas M. Thompson, PC  
1200 Standard Plaza  
1100 SW 6th Avenue  
Portland, Oregon 97204

SPACE RESERVED  
FOR  
RECORDER'S USE

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 reel volume No. \_\_\_\_\_ on page \_\_\_\_\_ or as document fee file instrument/microfilm No. \_\_\_\_\_.

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

NAME \_\_\_\_\_ TITLE \_\_\_\_\_

By \_\_\_\_\_ Deputy

Reference is made to that certain trust deed made by Lawrence A. McFall, Jr.

Lot 3 in Block 63 of Buena Vista Addition to the City of Klamath Falls, Oregon, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

HAVING THE PROPERTY ADDRESS OF: 2220 Oregon Avenue  
Klamath Falls, Oregon 97601

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes; the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Monthly installments of \$202.00 each, including escrow deposit for real property taxes, FHA insurance premiums and hazard insurance premiums, beginning with the installment due October 1, 1981, and continuing through the installment due August 1, 1982, plus late charges in the amount of \$5.00 each on each installment not paid within 15 days following the due date thereof.

and the beneficiary has declared all obligations secured by said trust deed immediately due

of \$5.00 each on each installment due on or before the date thereof.

By reason of said default the beneficiary has declared all obligations secured by said trust deed immediately due and payable, said sums being the following, to-wit:

\$18,778.59, together with interest thereon from September 1, 1981 at the rate of 8.5% per annum, until paid, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said trust deed, including an advance in the amount of \$135.00 for a foreclosure title report.

It is hereby given that the undersigned trustee will on January 19, 1983, cause to be recorded in the County of Santa Clara, California, the foregoing instrument.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 19, 1983, at the hour of 10:00 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at 110 N. 6th Street, County of Klamath, State of Oregon, sell at public

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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 to the beneficiary of the entire amount then due (other  
than such portion of said principal as would not then be due had no default occurred) together with costs and trustee's  
and attorney's fees as provided by law, at any time prior to five days before the date set for said sale.

In construing this notice, 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; the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED August 30, 1982

Successor 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 and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Attorney for said Trustee

If the foregoing is a copy to be served pursuant to ORS 86.740(2) or ORS 86.750(1), fill in opposite the name and address of party to be served.

**SERVE:**

## SHERIFF'S RETURN OF SERVICE

700

STATE OF OREGON )  
 ) ss.  
 County of Klamath )

Court Case No. \_\_\_\_\_

Sheriff's Case No. 82-4005

I hereby certify that I received on September 2, 1982 the within:

- ( ) Summons & Complaint ( ) Summons & Petition ( ) Summons ( ) Complaint ( ) Petition  
 ( ) Subpoena ( ) Citation ( ) Order ( ) Motion ( ) Affidavit  
 ( ) Small Claim ( ) Restraining Order ( ) Show Cause Order ( ) Notice  
 ( ) Writ of Garnishment ( ) Order of Appearance ( ) Waiver of fees

(x) TRUSTEE'S NOTICE OF SALE

for service on the within named: Lawrence A. McFall, Jr. & Occupants

( ) SERVED \_\_\_\_\_ personally and in person.  
 at \_\_\_\_\_

( ) SUBSTITUTE SERVICE - By leaving a true copy with \_\_\_\_\_  
 a person over the age of fourteen years, who resides at the place of abode of the within named, at said  
 abode: \_\_\_\_\_

( ) OFFICE SERVICE - By leaving a true copy with \_\_\_\_\_  
 the person in charge of the office maintained for the conduct of business by  
 \_\_\_\_\_

( ) By leaving a true copy with \_\_\_\_\_ of said corporation.

( ) OTHER METHOD \_\_\_\_\_

(x) NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find  
 the within named: Lawrence A. McFall, Jr. & Occupants (House empty)  
 within Klamath County.

All search and service was made within Klamath County, State of Oregon.

DATE AND TIME OF SERVICE OR NOT FOUND: September 2, 1982 3:20 p.m.

TOM DURYEE, Sheriff  
 Klamath County, Oregon

By M. Freese

STATE OF OREGON: COUNTY OF KLAMATH :ss

I hereby certify that the within instrument was received and filed for  
 record on the -13 day of Jan A.D., 1983 at 3:39 o'clock p M.  
 and duly recorded in Vol. Mo?, of Mtce on page 602.

EVELYN BIEHN COUNTY CLERK

Fee \$ 12.00

by [Signature] Deputy