

TA-23035

19977

## AFFIDAVIT OF MAILING NOTICE OF SALE

Vol. 83 Page 1568

STATE OF OREGON, County of Lane, ss:

I, William S. Wiley, 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 certified mail to each of the following named persons at their respective last known addresses:

NAME	ADDRESS	DATE OF MAILING
Melvin C. Smith	7016 Wiemer, #17 Anchorage, AK 99502	September 28, 1982
Mable Smith	3503 Summers Lane Klamath Falls, OR 97601	September 28, 1982
	7016 Wiemer, #17 Anchorage, AK 99502	September 28, 1982
	3503 Summers Lane Klamath Falls, OR 97601	September 28, 1982
Roberta M. Himbarger	c/o Certified Mortgage Co. (Dick Marlott, Owner) 836 Klamath Avenue Klamath Falls, OR 97601	September 28, 1982

(CONTINUED ON NEXT PAGE)

Each of the notices so mailed was certified to be a true copy of the original notice of sale by William S. Wiley, 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 Eugene, Oregon, on the date shown above. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded and in accordance with statutory requirements for the number of days before the day fixed in said notice by the trustee for the trustee's sale.

*William S. Wiley*

STATE OF OREGON, County of Lane, ss:

Personally appeared the above named William S. Wiley, who subscribed and swore to the foregoing affidavit and acknowledged the foregoing instrument to be his voluntary act and deed.

September 28, 1982.

Before me:

*Barbara M. McDonald*  
Notary Public for Oregon. My commission expires: 8/16/86

After recording return to:  
William S. Wiley  
Attorney at Law  
P. O. Box 1147  
Eugene, OR 97440

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NAME	ADDRESS	DATE OF MAILING
Richard D. Himbarger	c/o Certified Mortgage Co. (Dick Marlott, Owner) 836 Klamath Avenue Klamath Falls, OR 97601	September 28, 1982
Tenants in Possession	3503 Summers Lane Klamath Falls, OR 97601	September 28, 1982

AFFIDAVIT OF MAILING NOTICE OF SALE

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STATE OF OREGON, County of Lane, ss:

I, William S. Wiley, 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 certified mail to each of the following named persons at their respective last known addresses:

NAME	ADDRESS	DATE OF MAILING
Roberta M. Himbarger	721 Picard Road Dorris, CA 96023	October 8, 1982
Richard D. Himbarger	721 Picard Road Dorris, CA 96023	October 8, 1982

Each of the notices so mailed was certified to be a true copy of the original notice of sale by William S. Wiley, 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 Eugene, Oregon, on the date shown above. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded and in accordance with statutory requirements for the number of days before the day fixed in said notice by the trustee for the trustee's sale.

*William S. Wiley*

STATE OF OREGON, County of Lane, ss:

October 8, 1982

Personally appeared the above named William S. Wiley, who subscribed and swore to the foregoing affidavit and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me: *Diana M. Mulford*  
Notary Public for Oregon. My commission expires: 8/16/86

After recording return to:  
William S. Wiley  
Attorney at Law  
P. O. Box 1147  
Eugene, OR 97440

## TRUSTEE'S NOTICE OF SALE

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Reference is made to that certain trust deed made, executed and delivered by  
 MELVIN C. SMITH and MABLE SMITH, husband and wife,  
 PIONEER NATIONAL TITLE INSURANCE COMPANY  
 obligations in favor of PEOPLES MORTGAGE COMPANY, a Washington corporation, as trustee, to secure certain  
 dated January 17, 1980, recorded February 6, 1980, in the mortgage records of  
 Klamath County, Oregon, in book No. M-80 at page 2545, covering the following described real  
 property situated in said county and state, to-wit:

See Exhibit A attached hereto and by this reference expressly  
 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:

Monthly principal and interest payments in the amount of \$288.00 each for the months of  
 April through September, 1982, plus \$11.52 late charge for each of the months of April  
 through August, 1982.

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:

Principal amount of \$24,587.91, together with interest thereon at the rate of 11.5% per  
 annum from March 1, 1982.

A notice of default and election to sell and to foreclose was duly recorded September 9, 1982, volume  
 M-82 at page 11905 of said mortgage records, reference thereto hereby being expressly made.  
 WHEREFORE, NOTICE HEREBY IS GIVEN That the undersigned trustee will on Tuesday, the  
 15th day of February, 1983, at the hour of 10:00 o'clock, A.M., Standard Time,  
 as established by Section 187.110, Oregon Revised Statutes, at main door of the Klamath County 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 pro-  
 ceeding 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" in-  
 cludes any successor in interest of the beneficiary named in the trust deed.

DATED at Eugene, Oregon, September 28, 1982

WILLIAM S. WILEY

Successor Trustee

P. O. Box 1147, Eugene, OR 97440

State of Oregon, County of

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 fore-  
 going 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

EXHIBIT A

A piece or parcel of land situate in the N1SW1NW1 of Section 11, 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 in the Westerly boundary of said Section 11, from which the section corner common to Sections 2, 3, 10, 11, Township 39 South, Range 9 East of the Willamette Meridian, and as marked on the ground by an iron pin driven therein, bears North  $0^{\circ} 13\frac{1}{2}'$  West 1662.5 feet distant and running thence South  $0^{\circ} 13\frac{1}{2}'$  East along the said Westerly boundary of Section 11, 107.5 feet; thence North  $89^{\circ} 42'$  East 240 feet more or less to a point in the center line of the U.S. Klamath Project No. 1 C 9A Drain; thence Northerly along the center line of said drain to its intersection with the center line of a 60 foot roadway; thence South  $89^{\circ} 44\frac{1}{2}'$  West along the center line of the said roadway 214.3 feet more or less to the point of beginning.

EXCEPTING THEREFROM that portion lying within the right of way of Denver Avenue.

BY COUNTY OF KLAMATH; ss.

ad for record

11:10

Is 31 day of Jan A.D. 19 83 at A. and  
July recorded in Vol. M83, of Mtge on page 1568

EVILYN BIEHN, County Clerk

Fee \$20.00

By *Bernard J. Letcher*

Return to:

William S. Wiley

HUSK GLENN SWEARL

LARSEN & PUTER

ATTORNEYS AT LAW

P. O. BOX 1147

EUGENE, OREGON 97140