

19978

PROOF OF PERSONAL SERVICE OF NOTICE OF TRUSTEE'S SALE  
AND TRUSTEE'S INSTRUCTIONS RELATIVE THERETO

TRUSTEE'S INSTRUCTIONS to the person who serves the trustee's notice of sale hereto attached:

STATE OF OREGON, County of Lane ) ss.

I, the undersigned William S. Wiley successor trustee, being first duly sworn, depose, say and certify:

Reference is made to that certain trust deed executed and delivered by MELVIN C. SMITH and MABLE SMITH, husband and wife,  
as grantor to PIONEER NATIONAL TITLE INSURANCE COMPANY as trustee,  
in which PEOPLES MORTGAGE COMPANY, a Washington corporation,  
is beneficiary, recorded on February 6, 19 80, in book M-80 at page 2545 ~~or any thing~~  
~~the number of the mortgage records of~~ Klamath County, Oregon,  
covering the following described real property situate in said county:

See Exhibit A attached hereto and by this reference expressly made a part hereof.

A notice of default and election to sell and to foreclose said trust deed by advertisement and sale has been duly recorded in the mortgage records of said county. You hereby are directed to serve the trustee's notice of sale in said foreclosure proceedings upon the following person or persons whose interest in said described real property is stated below:

NAME OF PERSON TO BE SERVED  
Melvin C. Smith  
3503 Summers Lane  
Klamath Falls, OR 97601

NATURE OF INTEREST  
Grantor in the Deed of Trust.

Mortgagee in Mortgage recorded March 24, 1981, in Book M-81, Page 5285. Assigned March 26, 1981, in Book M-81 at Page 5418.

Mable Smith  
3503 Summers Lane  
Klamath Falls, OR 97601

Grantor in the Deed of Trust and as owner of the above described property.

Roberta M. Himbarger  
Richard D. Himbarger  
c/o Certified Mortgage Co.  
(Dick Marlott, Owner)  
836 Klamath Avenue  
Klamath Falls, OR 97601

Beneficiaries in Trust Deed recorded November 5, 1981, in Book M-81 at Page 19247. Assigned November 6, 1981, in Book M-81 at Page 19419.

(CONTINUED ON NEXT PAGE)

The undersigned hereby certifies that the person or persons just named are the only persons named in subsection 1 of Section 86.750 of Oregon Revised Statutes who now occupy said real property. The word "trustee" as used in this affidavit means and includes any successor-trustee to the trustee named in the trust deed first mentioned above.

William S. Wiley  
Successor Trustee

Subscribed and sworn to before me this 28th day of September, 19 82.

(OFFICIAL SEAL)

Barbara M. Howard

Notary Public for Oregon

My commission expires: 8/16/86

## SHERIFF'S RETURN OF SERVICE

STATE OF OREGON )

Court Case No.

) ss.  
County of Klamath )

Sheriff's Case No. 82-4454

I hereby certify that I received on September 30, 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: Melvin C. Smith & Mable Smith

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

- (x) SUBSTITUTE SERVICE - By leaving a true copy with Charlie Smith, Son, for Mable Smith  
 a person over the age of fourteen years, who resides at the place of abode of the within named, at said  
 abode: 3503 Summers Lane, Klamath Falls, OR 97601

- ( ) 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 \_\_\_\_\_

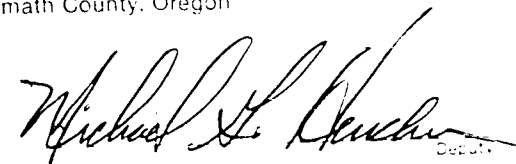
- (x) NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find  
 the within named: Melvin C. Smith  
 within Klamath County.

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

DATE AND TIME OF SERVICE OR NOT FOUND: October 1, 1982 8:49 a.m.

TOM DURYEE, Sheriff  
Klamath County, Oregon

By


 Deputy

# SHERIFF'S RETURN OF SERVICE

1575

STATE OF OREGON )

) ss.

County of Klamath )

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

Sheriff's Case No. 82-4454

I hereby certify that I received on \_\_\_\_\_ September 30, 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: Roberta M. Himbarger

(x) SERVED Roberts M. Himbarger personally and in person.

at Montgomery Ward, Klamath Falls, OR 97601

( ) 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 \_\_\_\_\_  
 ( ) NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find  
 the within named: \_\_\_\_\_  
 within Klamath County.

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

DATE AND TIME OF SERVICE OR NOT FOUND:

October 1, 1982 12:10 p.m.

TOM DURYEE Sheriff  
 Klamath County, Oregon

By

*Michael P. St. John*

Deputy

NAME OF PERSON TO BE SERVED

Tenants in Possession  
3503 Summers Lane  
Klamath Falls, OR 97601

NATURE OF INTEREST

Persons in possession or claiming the right  
to possession of the above described real  
property.

1576

EXHIBIT A

A piece or parcel of land situate in the N<sup>1</sup>SW<sup>1</sup>NW<sup>1</sup> 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.

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by MELVIN C. SMITH and MABLE SMITH, husband and wife, as grantor, to PIONEER NATIONAL TITLE INSURANCE COMPANY, as trustee, to secure certain obligations in favor of PEOPLES MORTGAGE COMPANY, a Washington corporation, as beneficiary, dated January 17, 1980, recorded February 6, 1980, in the mortgage records of Klamath County, Oregon, in book/entry No. M-80 at page 2345, 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:

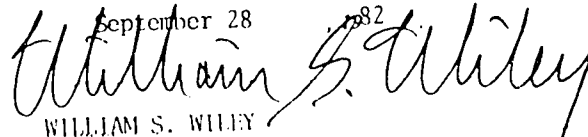
Principal amount of \$24,587.91, together with interest thereon at the rate of 11.5% per annum from March 1, 1982.

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 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 Eugene, Oregon,

September 28, 1982  
  
 WILLIAM S. WILEY  
 Successor Trustee

P. O. Box 1147, Eugene, OR 97440

State of Oregon, County of Lane, 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 Eugene,

Oregon, this 28th day of September, 1982

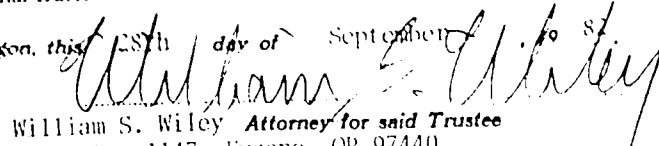
  
 William S. Wiley Attorney for said Trustee  
 P. O. Box 1147, Eugene, OR 97440

EXHIBIT A

A piece or parcel of land situate in the N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  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° 13 $\frac{1}{2}$ ' West 1662.5 feet distant and running thence South 0° 13 $\frac{1}{2}$ ' East along the said Westerly boundary of Section 11, 107.5 feet; thence North 89° 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° 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.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record . . . . . 11:10  
 as 31 day of Jan A.D. 19 83 at . . . . .  
 duly recorded in Vol. M83, of Mtge . . . . . 1573  
 By Bernetha A. Ketch  
 EMILYN B. LEMMON, County Clerk

Fee \$28.00

Return to:  
 William S. Wiley  
 HUSBAND, SHERIFF  
 AT LAM  
 1983