

TA-25035

Vol. 1783 Page 1580

19979

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 trustee,
as grantor to PIONEER NATIONAL TITLE INSURANCE COMPANY
in which PEOPLES MORTGAGE COMPANY, a Washington corporation,
is beneficiary, recorded on February 6, 1980, in book M-80 at page 2345, as trustee,
covering the following described real property situate in said county:
Klamath County, Oregon,

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
Richard D. Himbarger
721 Picard Road
Dorris, CA 96023

NATURE OF INTEREST
Beneficiary 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.

The undersigned hereby certifies that the person or persons just named are the only persons named in subsec-
tion 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 8th day of October, 1982.

Dianna M. Miller
Notary Public for Oregon
My commission expires: 8/16/86

(OFFICIAL SEAL)

Sheriff's Office

County of Siskiyou
State of California.

ss. C-31563

1581

I HEREBY CERTIFY that I received the within Trustee's Notice of Sale

on the 12th day of October, 1982, and that I personally served the
same on the 25th day of October, 1982, upon RICHARD D. HIMBARGER

the within named Beneficiary, by delivering to and leaving with
said beneficiary Siskiyou, personally, in the County of
of Sale at 4:30 p.m. on his tour of duty in Madocel, CA.

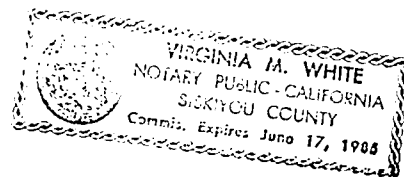
Dated at Yreka, CA. this 4th day of January, 1983

L.E. Taylor, Sheriff-Coroner

By Mark M. Smith
Mark M. Smith, Deputy

Fees \$ 14.00

STATE OF CALIFORNIA
COUNTY OF SISKIYOU



On this 4th day of January in the year one
thousand nine hundred and Eighty-three, before me,
Virginia M. White, a Notary Public, State of California,
duly commissioned and sworn, personally appeared
MARK M. SMITH, Deputy Sheriff
personally known to me to be the person whose name
is subscribed to the within instrument and acknowledged to me
that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed
my official seal in the Siskiyou County of
Siskiyou the day and year in this certificate first
above written.

Virginia M. White
Notary Public, State of California
My commission expires 6/17/85

EXHIBIT A

1582

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.

TRUSTEE'S NOTICE OF SALE

1583

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, as grantor, to
 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/entry No. M-80 at page 2513, 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

State of Oregon, County of Lane,

P. O. Box 1147, Eugene, OR 97440

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 Eugene, Oregon,

this 15th day of

October

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:

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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

No. 31 day of Jan A.D. 1983 of Block A 1584

July recorded in Vol. M83 of Mtge. on 1580

EMILYN BIEHN, County Clerk

Fee \$20.00

By Berntha A. Lisch

Return to.

William S. Wiley
HUCK GLEAVES SWEARINGEN
LARSEN & POTTER
ATTORNEYS AT LAW
P. O. BOX 1147
EUGENE, OREGON 97440