

22540

**TRUSTEE'S NOTICE OF SALE**

Vol. *MF3* Page 5827 

*Reference is made to that certain trust deed made, executed and delivered by* MICHAEL E. BIXLER, father and son,  
Klamath County Title Company  
*, as grantor, to*  
obligations in favor of EDWARD C. DORE, JEANNE M. DORE and ROSE G. YOUNG *, as trustee, to secure certain*  
dated January 11, 1979, recorded January 19, 1979, *, as beneficiary,*  
Klamath County, Oregon, in book record volume No. M79 *, in the mortgage records of*  
~~this county, or any other county in the state.~~ *(Indicate book)* at page 1677 *, Book*  
property situated in said county and state, to-wit:

Lot 4 in Block 7, Mountain Lakes Homesites, Tract No. 1017, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

*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:*

\$45.00 due September 11, 1980, and a like amount on the 11th day of every month 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:*

\$4,351.26, plus interest from April 30, 1980, until paid.

A notice of default and election to sell and to foreclose was duly recorded December 2, 19 82, in book M82 at page 16813 of said mortgage records, reference thereto hereby being expressly made.

WHEREFORE, NOTICE HEREBY IS GIVEN That the undersigned trustee will on Wednesday, the 20th day of April, 1983, at the hour of 10:10 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at Room 204, 540 Main Street, 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, December 2, 1982

William & Lesene

Successor      Trustee

**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 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*

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

5828

STATE OF OREGON, County of Klamath ) ss.

I, William L. Sisemore, being first duly sworn, depose, say and certify that:

I am the successor trustee in that certain trust deed executed and delivered by Raymond D. Bixler  
and Michael E. Bixler, father and son, Edward C. Dore, Jeanne M. Dore  
as grantor to Klamath County Title Co. as trustee, in which and Rose G. Young  
is beneficiary, recorded on January 19, 1979, in book M79 at page 1677 of the mortgage  
records of Klamath County, Oregon, covering the following described real property situate in  
said county:

Lot 4 in Block 7, Mountain Lakes Homesites, Tract No. 1017,  
according to the official plat thereof on file in the office  
of the County Clerk of Klamath County, Oregon.

I hereby certify that on December 2, 19 82, the above described real property was not occupied by  
any of the persons named in subsection 1 of Section 86.750, Oregon Revised Statutes.

The word "trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed  
first mentioned above.

William L. Sisemore  
Successor Trustee

Subscribed, sworn to and acknowledged before me this 2<sup>nd</sup> day of December, 19 82.

Clara M. Faenig  
Notary Public for Oregon

My commission expires: 2-5-85

(OFFICIAL SEAL)

SHERIFF'S RETURN OF SERVICE

STATE OF OREGON )  
 ) ss.  
 County of Klamath )

Court Case No. \_\_\_\_\_  
 Sheriff's Case No. 82-5452

I hereby certify that I received on December 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

XX) Trustee's Notice of Sale (M79, Pg. 1677 & M82, Pg. 16813)  
 for service on the within named: Klamath County Clerk

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

( X) By leaving a true copy with Bernetha Letsch, Chief Deputy Clerk 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: December 2, 1982, 2:25p.m.

TOM DURYEE, Sheriff  
 Klamath County, Oregon

By David L. [Signature] Deputy

# Affidavit of Publication

5830

STATE OF OREGON,  
COUNTY OF KLAMATH

I, Sarah L. Parsons, Office  
Manager

being first duly sworn, depose and say that

I am the principal clerk of the publisher of  
the Herald and News

a newspaper of general circulation, as  
defined by Chapter 193 ORS, printed and  
published at Klamath Falls in the aforesaid  
county and state; that the

#559 Trustee's Sale-Bixler

a printed copy of which is hereto annexed,  
was published in the entire issue of said  
newspaper for four

successive and consecutive week s ~~days~~  
(4 insertion s) in the following issue s: —

February 23, 1983

March 2, 1983

March 9, 1983

March 16, 1983

Total Cost: \$179.40 paid

Sarah L. Parsons

Subscribed and sworn to before me this 16th  
day of March 19 83

John L. Dick  
Notary Public of Oregon

My commission expires Jan 15 19 84

## (COPY OF NOTICE TO BE PASTED HERE)

### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by RAYMOND D. BIXLER and MICHAEL E. BIXLER, father and son, as grantor, to KLAMATH COUNTY TITLE COMPANY, as trustee, to secure certain obligations in favor of EDWARD C. DORE, JEANNE M. DORE and ROSE G. YOUNG, as beneficiary, dated January 11, 1979, recorded January 19, 1979, in the mortgage records of Klamath County, Oregon, in volume No. M79 at page 1677, covering the following described real property situated in said county and state, to-wit:

Lot 4 in Block 7, Mountain Lakes Homesites, Tract No. 1017, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. 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:

\$45.00 due September 11, 1980, and a like amount on the 11th day of every month 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:

\$4,351.26, plus interest from April 30, 1980, until paid.

A notice of default and election to sell and to foreclose was duly recorded December 2, 1982, in book M82 at page 16813 of said mortgage records, reference thereto hereby being expressly made.

WHEREFORE, NOTICE HEREBY IS GIVEN That the undersigned trustee will on Wednesday, the 20th day of April, 1983, at the hour of 10:10 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at Room 204, 540 Main Street, 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 86.740 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, December 2, 1982.  
William L. Starnore  
Successor Trustee  
#559 Feb. 23, Mar. 2, 9, 16, 1983

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

5831

STATE OF OREGON, County of Klamath, SS:

I, William L. Sisemore,

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

Raymond D. Bixler

4125 Meadows Drive  
Klamath Falls, Oregon 97601

Michael E. Bixler

3811 Minnesota Dr., #307  
Anchorage, Alaska 99503

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 William L. Sisemore, 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 December 2, 1982. 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.

Subscribed and sworn to before me this 2<sup>d</sup>

William L. Sisemore  
Notary Public for Oregon. My commission expires 2-5-85

(SEAL)

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

Grantor

TO

Trustee

AFTER RECORDING RETURN TO

William L. Sisemore  
540 Main Street  
Klamath Falls, Or. 97601

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

STATE OF OREGON,  
County of Klamath } ss.

I certify that the within instrument was received for record on the 18 day of April, 1983, at 10:12 clock A.M., and recorded in book/reel/volume No. M83 on page 5827 or as fee/file/instrument/microfilm/reception No. 22540, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk  
By Lucy Lewis Deputy

20.00