

25344

MTC 11908

STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR. 97224  
Vol. 483 Page 10514PROOF 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:  
I, the undersigned William S. Wiley ) ss.  
certify: successor trustee, being first duly sworn, depose, say and

Reference is made to that certain trust deed executed and delivered by C. WILLIAM BENSON and GAIL R. BENSON, husband and wife,  
as grantor to PIONEER NATIONAL TITLE INSURANCE COMPANY,  
in which PEOPLES MORTGAGE COMPANY, a Washington corporation,  
is beneficiary, recorded on January 10, 19 80, at page 542 volume 10514  
File number M80 (Indicate which) of the mortgage records of Klamath County, Oregon,  
covering the following described real property situate in said county:

Lot 4, POOLE HOME SITES, according to the official plat  
thereof on file in the office of the County Clerk of  
Klamath County, Oregon.

25344  
(COLLECTIVE)

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

Gail Rae Benson  
2616 View Drive  
Missoula, MT 59801

NATURE OF INTEREST  
Grantor in the Deed of Trust.

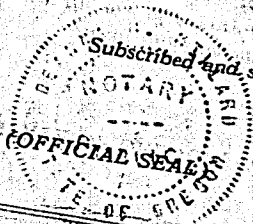
Decree of Dissolution of Marriage, Klamath  
County Circuit Court File No. 80-1341, Gail  
Rae Benson, petitioner, vs. Charles William  
Benson, respondent, filed February 21, 1981,  
the herein described property was awarded to  
Gail Rae Benson.

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.

Subscribed and sworn to before me this

William S. Wiley Successor Trustee  
1st day of March, 1983

Danna M. McIlrath  
Notary Public for Oregon  
My commission expires: 8/16/86



-10212

# PROOF OF SERVICE

10515

STATE OF OREGON, County of \_\_\_\_\_) ss.

I, \_\_\_\_\_, 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 or the trustee or successor-trustee or the attorney for any of them, or a party to the foreclosure proceeding described in the attached original notice of sale given under the terms of that certain trust deed described in said notice;

I personally served the attached notice of sale within the County of \_\_\_\_\_, Oregon, on \_\_\_\_\_, 19\_\_\_\_\_, by personally delivering a true copy of said notice of sale, certified to be such by the attorney for the trustee named in said notice, to \_\_\_\_\_

\_\_\_\_\_ and to each of them (if an individual) personally and in person. If any of the persons so served is a corporation, said service was made by the delivery of such true copy of said notice so certified, to \_\_\_\_\_

The said service of said notice of sale was fully completed more than 120 days prior to the day fixed in said notice by said trustee for the trustee's sale. Each of the persons so served by me is the identical person named in the trustee's certificate immediately preceding this affidavit.

STATE OF OREGON, County of \_\_\_\_\_) ss.

\_\_\_\_\_, 19\_\_\_\_\_,  
Personally appeared the above named \_\_\_\_\_, who subscribed and swore to the foregoing affidavit and acknowledged the foregoing instrument to be his voluntary act and deed.  
Before me:

(OFFICIAL  
SEAL)

Notary Public for Oregon  
My commission expires \_\_\_\_\_

## TRUSTEE'S INSTRUCTIONS AND PROOF OF SERVICE OF NOTICE OF TRUSTEE'S SALE

(FORM No. 8908)

RE: Trust Deed from  
C. William Benson and  
Gail R. Benson  
Grantor  
TO  
Pioneer National Title  
Insurance Company  
Trustee

AFTER RECORDING RETURN TO

William S. Wiley  
Attorney at Law  
P. O. Box 1147  
Eugene, OR 97440

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 \_\_\_\_\_ on page \_\_\_\_\_ or as file/roll number \_\_\_\_\_, Record of Mortgages of said County.  
Witness my hand and seal of County affixed.

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

**AFFIDAVIT OF SERVICE**

10516

STATE OF MONTANA

County of Missoula.

ss.

**Duane Steinke**

deposes and says: that he is and was at the time of the service of the papers herein referred to, a citizen of the United States, being first duly sworn, upon his oath, over the age of eighteen years and a resident of Missoula, Montana. That he is not a party to the within entitled action, and has no interest in the outcome thereof; that he personally served the within **Notice of Trustee's Sale** individual

by personally handing to and leaving with **Gail R. Benson** in the action therein mentioned on the hereinafter named **individual** ~~XXXXXX~~

the **notice** personally on the date and in the County in the State of Montana hereinafter set forth, opposite said ~~XXXXXX~~ **individual** of the said ~~XXXXXX~~ a copy of the

**Gail R. Benson** to-wit:

Name of ~~XXXXXX~~ **Individual**

**March 4, 1983**

Date of Service

**Missoula**

County Where Served

Subscribed and sworn to before me this **4th** day of **March**, 1983

**Ruthene J. Good**  
NOTARY PUBLIC for the State of Montana  
Residing at Florence, Montana  
My Commission Expires May 7, 1985

**RAYMOND J. FROELICH, SHERIFF**

**Duane Steinke**

Deputy

10517

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by  
 C. WILLIAM BENSON and GAIL R. BENSON, husband and wife,  
 PIONEER NATIONAL TITLE INSURANCE COMPANY  
 obligations in favor of PEOPLES MORTGAGE COMPANY, a Washington corporation  
 dated December 18, 1979, recorded January 10, 1980, in the mortgage records of  
 Klamath County, Oregon, in ~~1000000~~ volume No. M80 at page 542, covering the following described real  
 property situated in said county and state, to-wit:

Lot 4, POOLE HOME SITES, 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:

Monthly principal and interest payments in the amount of \$342.00 each for the months of  
 July through December, 1982, and \$365.00 each for the months of January and February,  
 1983, plus late charges of \$13.68 each for the months of July through December, 1982,  
 and \$14.60 each for the months of January and February, 1983.

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 \$27,683.85, together with interest thereon at the rate of 11.5% per  
 annum from June 1, 1982, plus accumulated late charges of \$38.80 and reserve overdraft  
 of \$382.45.

A notice of default and election to sell and to foreclose was duly recorded February 22, 1983, volume  
 M83 at page 2652 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 July, 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 Cths.,  
 in the City of Klamath Falls, County of Oregon, 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,

March

19 83

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 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

1st

day of

March

19 83

Return :

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

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TRANSFER NOTICE OF SALE

10518

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record

this 5th day of July A.D. 19 83 at 11:39'clock A.M., and

duly recorded in Vol. M83, of Mortgages on Page 10514

By EVELYN BIEHN, County Clerk

Fee \$20.00

and the following:

with interest thereon at the rate of 11.5% per annum, payable in monthly installments of \$28.80 and receive overleaf

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with interest thereon at the rate of 11.5% per annum, payable in monthly installments of \$28.80 and receive overleaf

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