

MTC 11908

83-598

25345

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: 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 C. WILLIAM BENSON and GAIL R. BENSON, husband and wife, as grantor to PIONEER NATIONAL TITLE INSURANCE COMPANY, a Washington corporation, in which PEOPLES MORTGAGE COMPANY, a Washington corporation, is beneficiary, recorded on January 10, 1980, in Book 000000000 at page 542, Volume 483, covering the following described real property situate in said county: Klamath County, Oregon,

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

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 C. William Benson 5843 Mack Avenue Klamath Falls, OR 97601

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

Tenants in Possession 5843 Mack Avenue Klamath Falls, OR 97601 Carter Jones Collection Service c/o Leonard D. Jones, Reg. Agent 533 South 8th Street Klamath Falls, OR 97601

Creditor in Judgment against Gail R. Benson entered entered December 15, 1982, in Docket Book 37, Page 533, Line 2, in the amount of \$200.30, plus interest, if any.

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

1st day of March, 1985

Deanne M. Millard Notary Public for Oregon My commission expires: 8/16/86



STATE OF OREGON, County of _____) ss. PROOF OF SERVICE

10520

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.

Personally appeared the above named _____, 19____, 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 G. 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/reel number _____ Record of Mortgages of said County. Witness my hand and seal of County affixed.

By _____ Title Deputy

SHERIFF'S RETURN OF SERVICE
SHERIFF'S RETURN OF SERVICE

10521

STATE OF OREGON)

County of Klamath)

ss.

Court Case No. _____

Sheriff's Case No. 83-898

I hereby certify that I received on March 2, 1983 the within:

- Summons & Complaint
- Subpoena
- Small Claim
- Writ of Garnishment
- TRUSTEE'S NOTICE OF SALE
- Summons & Petition
- Citation
- Restraining Order
- Order of Appearance
- Summons
- Order
- Show Cause Order
- Complaint
- Motion
- Affidavit
- Notice
- Waiver of fees

for service on the within named Garter Jones Collection Service

SERVED _____ personally and in person.

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 Mavis Jones, Secretary the person in charge of the office maintained for the conduct of business by Leonard Jones, Reg. Agent, 1143 Pine St., Klamath Falls, OR 97601

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: March 2, 1983 2:55 p.m.

TOM DURYEE, Sheriff
Klamath County, Oregon

By M Freeze Deputy

SHERIFF'S RETURN OF SERVICE

10522

STATE OF OREGON)
) ss.
County of Klamath)

Court Case No. _____

Sheriff's Case No. 83-898

I hereby certify that I received on March 2, 1983 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

TRUSTEE'S NOTICE OF SALE
for service on the within named: C. William Benson; Tenants in Possession

SERVED _____ personally and in person.

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: C. William Benson or Tentants in Possession, premises unoccupied
within Klamath County.

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

DATE AND TIME OF SERVICE OR NOT FOUND: March 2, 1983 2:19 p.m.

TOM DURYEE, Sheriff
Klamath County, Oregon

By M. Freese Deputy

10523

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, 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 December 18, 1979, recorded January 10, 1980, in the mortgage records of Klamath County, Oregon, in ~~book 2081~~ 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 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, 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 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, March 1, 1983

William S. Wiley
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 1st day of March, 1983

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

