

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

33669

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 WILBUR R. APPLEBEE and KAY E. APPLEBEE, husband and wife, as grantor to TRANSAMERICA TITLE INSURANCE COMPANY, as trustee, in which PEOPLES MORTGAGE COMPANY, a Washington corporation, is beneficiary, recorded on November 29, 1978, at page 26845, volume M-78, 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.

*the beneficial interest under said Deed of Trust was assigned of record to Federal National Mortgage Association, by assignment recorded June 18, 1979, in Volume M-79, Page 14305,

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
Kay E. Applebee
4211 Homedale Road
Klamath Falls, OR 97601

NATURE OF INTEREST
Grantor in the Trust Deed and as an owner in fee simple as a tenant in common.

Alimony judgment against Wilbur Applebee, Sr., entered December 3, 1982, in Docket Book 39, Page 11, Legal No. 82-1253, in favor of Kay Applebee, in the amount of \$591.50 (as of September 22, 1983, pursuant to Klamath County Records).

NOTE: Subject to the terms and provisions of that certain Decree of Dissolution of Marriage, Klamath County Circuit Court File No. 82-1253-2, Kay Enola Applebee, petitioner, and Wilbur Ryan Applebee, Sr., respondent, filed June 20, 1983, to-wit:

"The family residence and lot located at 4211 Homedale Road, Klamath Falls, Oregon, is hereby ordered to be sold, and the net proceeds from the sale shall be divided equally between the parties."

(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 17th day of October, 1983.

Carinna McMilland

Notary Public for Oregon

My commission expires: 8/16/86

PROOF OF SERVICE

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.

Personally appeared the above named _____ and swore to the foregoing affidavit and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Notary Public for Oregon

My commission expires _____

(OFFICIAL
SEAL)
**TRUSTEE'S INSTRUCTIONS AND
PROOF OF SERVICE OF NOTICE
OF TRUSTEE'S SALE**
(FORM No. 8908)

RE: Trust Deed from
Wilbur R. Applebee and
Kay E. Applebee Grantor

TO
Transamerica 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 } ss.

I certify that the within instru-
ment 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

NAME OF PERSON TO BE SERVED

Tenants in Possession
4211 Homedale Road
Klamath Falls, OR 97601

Dale Hoots
Attorney at Law
2261 South 6th
Klamath Falls, OR 97601

Sam A. McKeen
Attorney at Law
220 Main Street
Klamath Falls, OR 97601

NATURE OF INTEREST

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

Attorney's lien, if any, arising out of the Dissolution of Marriage, Klamath County Circuit Court File No. 82-1253-2, Kay Enola Applebee, petitioner, and Wilbur Ryan Applebee, Sr., respondent.

Attorney's lien, if any, arising out of the Dissolution of Marriage, Klamath County Circuit Court File No. 82-1253-2, Kay Enola Applebee, petitioner and Wilbur Ryan Applebee, Sr., respondent.

A tract of land situated in the SE $\frac{1}{2}$ of the SE $\frac{1}{2}$ 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:

Commencing at the intersection of the North line of N $\frac{1}{2}$ of N $\frac{1}{2}$ of SE $\frac{1}{2}$ of SE $\frac{1}{2}$ of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, with the Easterly line of Homedale Road, and running Easterly along said North line a distance of 100 feet; thence Southerly at right angles a distance of 135 feet; thence Westerly parallel with said North line 100 feet to the East line of Homedale Road; thence Northerly along said Easterly line of Homedale Road 135 feet to the point of beginning.

EXCEPT from the above described property a strip of land 20 feet by 100 feet being on the North side and more particularly described in Deed recorded January 11, 1961, in Deed Volume 326 at page 462, Records of Klamath County, Oregon.

SHERIFF'S RETURN OF SERVICE

: 2592

STATE OF OREGON)
) ss.
 County of Klamath)

Court Case No. _____

Sheriff's Case No. 83-4083

I hereby certify that I received on October 18, 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

(X) Trustees Notice of Sale (Vol M-78, pg 26845) Vol. M-83, pg 17612)

for service on the within named: Kay Applebee and Tenant in Possession, 4211 Homedale Road, Klamath Falls, Oregon 97601

(X) SERVED Kay Applebee and Tenant in Possession-(Samuel E. Griffith) personally and in person.
 at 4211 Homedale Road, Klamath Falls, Oregon 97603

() 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 18, 1983, 6:28p.m.

TOM DURYEE, Sheriff
 Klamath County, Oregon

By Carl R. Bunkhant Ser. 4415
 Deputy

SHERIFF'S RETURN OF SERVICE

2593

STATE OF OREGON)
) ss.
 County of Klamath)

Court Case No. _____

Sheriff's Case No. 83-4038

I hereby certify that I received on October 18, 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

(X) Trustees Notice of Sale (Vol. M-78, page 26845) (Vol. M-83, page 17612)

for service on the within named: Sam A. Mckeen

(X) SERVED Sam A. Mckeen 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: _____

within Klamath County.

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

DATE AND TIME OF SERVICE OR NOT FOUND: October 19, 1983, 1:15p.m.

TOM DURYEE, Sheriff

Klamath County, Oregon

By Joan E. Harrison Deputy

SHERIFF'S RETURN OF SERVICE

STATE OF OREGON)
County of Klamath) ss.

Court Case No. _____

Sheriff's Case No. 83-4083I hereby certify that I received on October 18, 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

(X) Trustees Notice of Sale (Vol. M-78, page 26845) (Vol. M-83, page 17612)for service on the within named: Dale Hoots personally and in person.(X) SERVED Dale Hoots() 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 19, 1983, 2:55p.m.TOM DURYEE, Sheriff
 Klamath County, Oregon

By

Joan E. Harrison

Deputy

MTG-12879
TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by
WILBUR R. APPLEBEE and KAY E. APPLEBEE, husband and wife,
TRANSAMERICA TITLE INSURANCE COMPANY
obligations in favor of PEOPLES MORTGAGE COMPANY, a Washington corporation,**
dated November 29, 1978, recorded November 29, 1978, in the mortgage records of
Klamath County, Oregon, in ~~XXXXXX~~ volume No. M-78 at page 26845 ~~XXXXXX~~
~~documented by recording in the public records of Klamath County, Oregon, in volume No. M-78 at page 26845, 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.

**the beneficial interest under said Deed of Trust was assigned of record to Federal
National Mortgage Association, by assignment recorded June 18, 1979, in Volume M-79,
Page 14305,

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 \$344.24 for the month of Decem-
ber, 1982, and \$361.00 each for the months of January through October, 1983, plus late
charges of \$13.77 for the month of December, 1982, and \$14.44 each for the months of
January through September, 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 \$36,732.80, together with interest thereon at the rate of 9.50% per
annum from December 1, 1982, plus reserve overdraft of \$63.79.

A notice of default and election to sell and to foreclose was duly recorded October 13, 1983, volume
M-83 at page 17612 of said mortgage records, reference thereto hereby being expressly made.
WHEREFORE, NOTICE HEREBY IS GIVEN That the undersigned trustee will on Wednesday, the
7th day of March, 1984, 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 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,

October 17, 1983

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,

October 17, 1983

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

A tract of land situated in the SE $\frac{1}{2}$ of the SE $\frac{1}{2}$ 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:

Commencing at the intersection of the North line of N $\frac{1}{2}$ of N $\frac{1}{2}$ of SE $\frac{1}{2}$ of SE $\frac{1}{2}$ of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, with the Easterly line of Homedale Road, and running Easterly along said North line a distance of 100 feet; thence Southerly at right angles a distance of 135 feet; thence Westerly parallel with said North line 100 feet to the East line of Homedale Road; thence Northerly along said Easterly line of Homedale Road 135 feet to the point of beginning.

EXCEPT from the above described property a strip of land 20 feet by 100 feet being on the North side and more particularly described in Deed recorded January 11, 1961, in Deed Volume 326 at page 462, Records of Klamath County, Oregon.

Return to:
William S. Wiley
Atty at Law
P. O. Box 47
Eugene, OR 97402

STATE OF OREGON,)
County of Klamath)
Filed for record at request of

on this 17th day of Feb. A.D. 19 84
at 2:29 o'clock P M, and duly
recorded in Vol. M84 of Mortgages
Page 2588
EVELYN BIEHN, County Clerk
By *T. Am. Smith* Deputy
Fee 36.00