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STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OREGON

Vol. 176 Page 10213

PROOF OF SERVICE OF TRUSTEE'S NOTICE OF SALE UPON OCCUPANT AND TRUSTEE'S INSTRUCTIONS
RELATIVE THERETO (120-Day Notice)

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale hereto attached:

STATE OF OREGON,

County of Klamath

ss.

I, the undersigned trustee, being first duly sworn, depose and say:

The person to be served named below is an occupant of the property described in the Notice of Sale attached hereto and is either the grantor in the trust deed described in said Notice of Sale, or the successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, or a lessee.

You are hereby directed to serve the Trustee's Notice of Sale in the manner in which a summons is served pursuant to ORCP 7 D.(2) and 7 D.(3), upon the following person or persons:

NAME OF PERSON TO BE SERVED

Raymond M. Gray, Sr.

PROPERTY ADDRESS

1111 Main St.
Klamath Falls, Oregon

Service must be made at least 120 days before the date fixed for the trustee's sale in the Notice of Sale attached hereto. The last day for service is 24 February, 1984.

The undersigned hereby certifies that said person is the only person named in ORS 86.750(1) who now occupies said property.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

ESTI TITLE & ESCROW, INC. DBA COOS
COUNTY TITLE & ESCROW CO.

Subscribed and sworn to before this 24

day of January

Trustee Richard Mensinger
Secretary

(SEAL)

Notary Public for Oregon

My commission expires 8-15-86

PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

TRUSTEE'S INSTRUCTIONS AND PROOF OF
SERVICE UPON OCCUPANT OF TRUSTEE'S
NOTICE OF SALE

(120-Day Notice per ORS 86.750(1))

RE: Trust Deed from

Grantor

TO

Trustee

AFTER RECORDING RETURN TO

COOS CO TITLE
220 34th
WOOD BAY, OR 97140

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 1984, at o'clock M., and recorded in book/reel/volume No. on page or as fee/file/instrument/microfilm/reception No. Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By Deputy

PROOF OF SERVICE

10216

STATE OF Oregon, County of Klamath ss.

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, nor the successor of either, nor an officer, director, employee of or attorney for the beneficiary or trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale certified to be such by the attorney for the trustee or successor trustee, as follows:

Personal Service Upon Individual(s)

Upon Raymond M. Gray, Sr., by delivering such true copy to him/her, personally and in person,
at 1111 Main St., Klamath Falls, Oregon, on Jan. 25, 1984, at 3:22 o'clock p.M.
Upon _____, by delivering such true copy to him/her, personally and in person,
at _____, on _____, 19____, at _____ o'clock ____M.

Substituted Service Upon Individual(s)

Upon _____, by delivering such true copy at his/her dwelling house
or usual place of abode, to-wit: _____,
to _____, who is a person over the
age of 14 years and a member of the household of the person served on _____, 19____, at _____ o'clock ____M.
Upon _____, by delivering such true copy at his/her dwelling house
or usual place of abode, to-wit: _____,
to _____, who is a person over the
age of 14 years and a member of the household of the person served on _____, 19____, at _____ o'clock ____M.

Office Service Upon Individual(s)

Upon _____, at the office which he/she maintains for the conduct of
business at _____,
by leaving such true copy with _____, the person who
is apparently in charge, on _____, 19____, during normal working hours, at to-wit: _____ o'clock, ____M.

Service on Corporations, Limited Partnerships or Unincorporated Associations Subject to Suit Under a Common Name

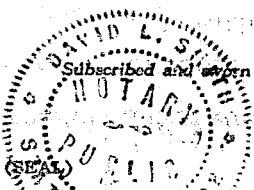
Upon _____, by
(NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.)
(a) delivering such true copy, personally and in person, to _____ who is a/the
* _____ thereof; OR
(b) leaving such true copy with _____, the person who is apparently in charge of the
office of _____, who is a/the * _____ thereof;
* Specify registered agent, officer (by title), director, general partner, managing agent.
at _____, on _____, 19____, at _____ o'clock ____M.

EACH OF THE PERSONS, FIRMS AND CORPORATIONS SERVED BY ME IS THE IDENTICAL PERSON, FIRM OR CORPORATION NAMED IN THE TRUSTEE'S INSTRUCTIONS TO ME IN CONNECTION HEREWITH.

Tom Duryee, Sheriff, Klamath County, Oregon

by

Deputy



Subscribed and sworn to before me this 25th day of January, 19 84.

Notary Public for Oregon
My commission expires

10-24-85

PUBLISHER'S NOTE: ORS 86.740(2) requires that the Notice of Sale be served in the manner in which a summons is served pursuant to Oregon Rules of Civil Procedure 7 D. (2) and 7 D. (3). The Proof of Service above contains most, but not all, of the methods of service. For example, this form does not include proof of service upon a minor or incapacitated person. See ORCP 7 D. (2) and 7 D. (3) for complete service methods on particular parties.

TRUSTEE'S NOTICE OF SALE

10217

Reference is made to that certain trust deed made, executed and delivered by Raymond M. Gray, Sr. and Raymond M. Gray, Jr., as grantor, to Transamerica Title #1, as trustee, to secure certain obligations in favor of Mattco Property Investment Corporation, a Texas Corp., as beneficiary, dated 13 April, 1983, recorded 9 June, 1983, in the mortgage records of Klamath County, Oregon, in book 1983, volume No. M83, at page 9095, document/fee/file/instrument/microfilm No. _____ (indicate which), covering the following described real property situated in said county and state, to-wit:

SEE ATTACHED EXHIBIT "A"

- *1 Coos County Title & Escrow Co. has been appointed successor Trustee, 220 South 4th St., Coos Bay, Ore. 97420.
- *2 The Beneficiary interest was assigned to Klamath Falls Investment Group, Howard V. Mathews General Partner. Said assignment was recorded in Vol M84 Page 971 and recorded on January 18, 1984. 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 installments of principal and interest due for the months of November, December (1983) and January (1984) in the amount of \$14,257.81 together with monthly late fees from October (1983) of \$712.89 per month; and subsequent installments of like amounts; subsequent amounts for assessments due under the terms and provisions of the Note and Deed of Trust.

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: \$937,500.00 plus interest thereon from October 9, 1983 at the rate of eighteen and onequarter (18.25%) per cent per annum until paid, and all sums expended by the Beneficiary pursuant to the terms and provisions of the Note and Deed of Trust.

A notice of default and election to sell and to foreclose was duly recorded. January 18, 1984, in book M84 at page 974 of said mortgage records, reference thereto hereby being expressly made.

WHEREFORE, NOTICE HEREBY IS GIVEN That the undersigned trustee will on Monday, the 25 day of June, 1984, at the hour of 10:00 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at front entrance of the 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 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 Coos Bay, Oregon, JAN 24, 1984.

ESTI TITLE & ESCROW, INC. DBA COOS COUNTY TITLE & ESCROW CO. Trustee RICHARD MENSINGER SECRETARY

State of Oregon, County of Coos Assistant Secretary I, the undersigned, certify that I am the attorney for one of the parties 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 Coos Bay, Oregon, this 11th day of June, 1984. Sandra K Davis Assistant Secretary for said Trustee

EXHIBIT A

10218

PARCEL 1

A tract of land situated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 38 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at the intersection of the Southerly line of Pine Street and the Easterly line of Eleventh Street in the City of Klamath Falls, Oregon; thence Northeasterly along said Southerly line of Pine Street 170 feet to a point thereon distant 50 feet Southwesterly along said Pine Street from the most Westerly corner of Lot 5, Block 3, Hot Springs Addition to the City of Klamath Falls, Oregon; thence Southeasterly and parallel with said Easterly line of Eleventh Street 112 feet; thence Southwesterly parallel to said Pine Street, 50 feet; thence Southeasterly parallel with Eleventh Street 8 feet; thence Northeasterly and parallel with the Northerly line of Main Street in the City of Klamath Falls, Oregon, 125 feet; thence Southeasterly and parallel with said Easterly line of Eleventh Street 120 feet to said Northerly line of Main Street at a point thereon distant 50 feet Southwesterly from the Southwest corner of Lot 6, Block 3, Hot Springs Addition to the City of Klamath Falls, Oregon; thence Southwesterly along said Northerly line of Main Street 245 feet to the Northeast corner of Main Street and Eleventh Street; thence Northwesterly along the Easterly line of Eleventh Street to the point of beginning.

PARCEL 2

A tract of land situated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 38 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Commencing at the point on the Southerly line of Pine Street which is distant 50 feet Southwesterly along said Pine Street from the most Westerly corner of Lot 5, Block 3, Hot Springs Addition to the City of Klamath Falls, Oregon, and thence running Southeasterly and parallel with the Easterly line of Eleventh Street a distance of 112 feet to the true point of beginning of this description; thence Southwesterly and parallel to said Pine Street 50 feet; thence Southeasterly and parallel with Eleventh Street 8 feet; thence Northeasterly and parallel with the Northerly line of Main Street a distance of 50 feet; thence Northwesterly and parallel with Eleventh Street a distance of 8 feet, more or less, to said true point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH:ss
I hereby certify that the within instrument was received and filed for record on the 19th day of June A.D., 1984 at 10:25 o'clock A.M., and duly recorded in Vol. M84, of Mortgages on page 10215.

Fee: \$ 16.00

EVELYN BIEHN, COUNTY CLERK

by: [Signature], Deputy