

39705

TRUSTEE'S NOTICE OF SALE

Vol. 1484 Page 13448

Reference is made to that certain trust deed made by ALFRED G. VILLALON and PATRICIA D. VILLALON, as grantor, to KLAMATH COUNTY TITLE COMPANY, as trustee, in favor of ROBERT E. BENJAMIN and RUBY F. BENJAMIN, as beneficiary, dated October 7, 1982, recorded November 3, 1982, in the mortgage records of Klamath County, Oregon, in Book 1581, page 14653, volume No. M82, at page 14653, covering the following described real property situated in said county and state, to-wit:

Lot 4 in Block 21 of Merrill, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Together with 1974 Flamingo Mobile Home, License No. X103522, Title No. 8315151732, Vehicle Identification No. 60F2HOF11804871.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes; the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

\$212.90 due December 15, 1983, and a like amount due on the 15th day of each month thereafter.

By reason of said default the beneficiary has declared all obligations secured by said trust deed immediately due and payable, said sums being the following, to-wit:

\$14,058.12, plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 7, 1984, at the hour of 10:00 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 to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred) together with costs and trustee's and attorney's fees as provided by law, at any time prior to five days before the date set for said sale.

In construing this notice, 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; the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED March 26, 1984

Successor Trustee

State of Oregon, County of Klamath, ss:  
I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Attorney for said Trustee

SERVE:

If the foregoing is a copy to be served pursuant to ORS 86.740(2) or ORS 86.750(1), fill in opposite the name and address of party to be served.

84 AUG 3 PM 3 21

ck  
21.00

# Affidavit of Publication

STATE OF OREGON,  
COUNTY OF KLAMATH

13449

(COPY OF NOTICE TO BE PASTED HERE)

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 #927-Trustee's Notice of Sale-  
Villalon-Benjamin

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

~~times and on the following days, to-wit:~~

(4 insertion s) in the following issue s:       

June 11, 1984

June 18, 1984

June 25, 1984

July 2, 1984

Total Cost: \$166.88

Sarah L. Parsons

Subscribed and sworn to before me this 2  
day of July 1984

Leta Backs  
Notary Public of Oregon

My commission expires Jan 15 86

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trustee, in favor of ROBERT E. BENJAMIN  
and RUBY F. BENJAMIN, as beneficiary,  
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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  
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cessors in interest, if any.

DATED March 26, 1984

William L. Sisemore  
Successor Trustee

#927-June 11, 18, 25, July 2, 1984

## SHERIFF'S RETURN OF SERVICE

13450

STATE OF OREGON )  
 ) ss.  
 County of Klamath )

Court Case No.....

Sheriff's Case No. 84-991.....

I hereby certify that I received 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 for Appearance ( ) Waiver of Fees

(x) TRUSTEE'S NOTICE OF SALE Vol. M82, Pg. 14653.....

On March 27, 1984....., for service on the within named: Greg L. Hargrove.....

(x) Served..... Greg L. Hargrove.....  
 .....personally and in person.

( ) SUBSTITUTE SERVICE - By serving.....,  
 a person over the age of fourteen years, who resides at the place of abode of the  
 within named, at said abode:.....

( ) By delivering said papers to:.....  
 .....of said corporation.


( ) 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 29, 1984 9:20 p.m. ....

TCM DURYEE

Sheriff of Klamath County

By .....  
 Deputy

STATE OF OREGON

## PROOF OF SERVICE

13451



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 HOLLY JO HARGROVE, by delivering such true copy to him/her, personally and in person, at 410 East First St., Merrill, Ore., on April 3, 1984, at 11:35 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: \_\_\_\_\_

\_\_\_\_\_ 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: \_\_\_\_\_

\_\_\_\_\_ 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.

## Service Upon State of Oregon

Upon the State of Oregon by leaving such true copy with \_\_\_\_\_, a deputy/clerk (delete word inapplicable) at the office of the Attorney General on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.

## Service Upon Public Bodies

Upon \_\_\_\_\_, by \_\_\_\_\_, (a) serving such true copy, personally and in person on \_\_\_\_\_, who is 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 director, managing agent, clerk, secretary

at \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.

FURTHER, if such public body is a county, I served an additional true copy of the Notice of Sale upon \_\_\_\_\_, who is the district attorney for the county, by

(a) delivering such true copy, personally and in person, to said district attorney, OR (b) leaving such true copy with \_\_\_\_\_, the person who is apparently in charge of the district attorney's office,

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.

Service cannot be made upon \_\_\_\_\_

I attempted to make service by \_\_\_\_\_, after reasonable efforts to do so have been made;

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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

(SEAL)

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.

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

13452

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

Greg L. Hargrove

Box 682  
Merrill, Or. 97633

Holly J. Hargrove

1842 Esplanade, Apt. 7  
Klamath Falls, Or. 97601

Alfred G. Villalon

P.O. Box 826, Hood River, Or. 97031

Patricia D. Villalon

P.O. Box 826, Hood River, Or. 97031

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 March 22, 19 84. 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.

William L. Sisemore

Subscribed and sworn to before me this 27<sup>th</sup> day of March, 19 84.

(SEAL)

Glover M. Falvey

Notary Public for Oregon. My commission expires 2-8-85.

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 St.,

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 3rd day of Aug., 19 84, at 3:21 o'clock P.M., and recorded in book/reel/volume No. M84 on page 13448 or as fee/file/instrument/microfilm/reception No. 39705, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

By Handwritten Signature Deputy

Fee: \$20.00 Index: \$1.00