

10/3/79

41879

PROOF OF SERVICE OF TRUSTEE'S NOTICE OF SALE UPON PERSON HAVING A LIEN OR INTEREST  
SUBSEQUENT TO THE TRUSTEE AND TRUSTEE'S INSTRUCTIONS RELATIVE THERETO (90-Day Notice)

Vol. 1784 Page 17136

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

STATE OF OREGON,

County of Multnomah } ss.

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

The person to be served named below is any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the interest of the trustee in the trust deed described in said Notice of Sale, if such lien or interest appears of record or the trustee or the beneficiary has actual notice of such lien or interest.

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

JAMES R. ADAIR

ADDRESS

12543 S. E. Linwood, Milwaukie, Oregon

Service must be made at least 90 days before the date fixed for the trustee's sale in the Notice of Sale attached hereto. The last day for service is July 12, 1984.  
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Subscribed and sworn to before this 22nd day of June, 1984.

Successor Trustee

(SEAL)

Notary Public for Oregon  
My commission expires: December 7, 1987

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 OF TRUSTEE'S NOTICE OF SALE  
(90-Day Notice per ORS 86.740(2))

RE: Trust Deed from  
JAMES R. ADAIR

Grantor

TO

KLAMATH COUNTY TITLE  
COMPANY

Trustee

AFTER RECORDING RETURN TO

Andrew H. Winfree  
421 S. W. Sixth Avenue  
Portland, Oregon 97204

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

#3108

STATE OF OREGON

## PROOF OF SERVICE

17137



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 \_\_\_\_\_, by delivering such true copy to him/her, personally and in person,  
at \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_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 James R. Adair, by delivering such true copy at his/her dwelling house  
or usual place of abode, to-wit: 12543 S.E. Linwood Milwaukie, OR.  
to Dianne Adair/Wife  
age of 14 years and a member of the household of the person served on June 26, 1984, at 6:20 o'clock PM.  
Upon \_\_\_\_\_, by delivering such true copy at his/her dwelling house  
or usual place of abode, to-wit: \_\_\_\_\_  
to \_\_\_\_\_  
age of 14 years and a member of the household of the person served on \_\_\_\_\_, who is a person over the

## Office Service Upon Individual(s)

Upon \_\_\_\_\_, at the office which he/she maintains for the conduct of  
business at \_\_\_\_\_, the person who  
by leaving such true copy with \_\_\_\_\_, 19\_\_\_\_, during normal working hours, at to-wit: \_\_\_\_\_ o'clock, \_\_\_\_M.  
is apparently in charge, on \_\_\_\_\_, 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 \*  
\* Specify registered agent, officer (by title), director, general partner, managing agent.

## 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 \*  
\* Specify director, managing agent, clerk, secretary

FURTHER, if such public body is a county, I served an additional true copy of the Notice of Sale upon \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.  
\_\_\_\_\_, 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,  
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 \_\_\_\_\_, after reasonable efforts to do so have been made;  
I attempted to make service by \_\_\_\_\_

Subscribed and sworn to before me this 28 day of June, 1984

Alma J. Malstrom  
Notary Public for Oregon  
My commission expires Sept. 12, 1987

(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.

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## TRUSTEE'S NOTICE OF SALE

17138

Reference is made to that certain trust deed made by JAMES R. ADAIR

KLAMATH COUNTY TITLE COMPANY, as grantor, to  
 in favor of ESTATE OF B. MARGUERITE WHYTAL, as trustee,  
 dated March 6, 1981, recorded March 18, 1981, in the mortgage records of  
Klamath County, Oregon, in ~~BOOK 181~~ volume No. M81 at page 4972,  
~~as trustee of the trust created by the deed of JAMES R. ADAIR~~ (indicate which), covering the following described real  
 property situated in said county and state, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO.

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: The entire principal balance and accrued interest thereon which became due and payable on April 1, 1984.

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: \$181,000.00, plus interest from March 4, 1981 through March 31, 1984 in the sum of \$20,278.06, plus interest on the sum of \$181,000.00 at the rate of 12% per annum from April 1, 1984, until paid, plus late charges in the amount of \$20.12.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 11, 1984, at the hour of 10:00 o'clock, AM., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at the 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 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 June 5, 1984

421 S. W. Sixth Avenue - Suite 1100  
Portland, Oregon 97204

Successor Trustee

State of Oregon, County of Multnomah, 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.

BAUER, WINFREE, ANDERSON, FOUNTAIN &amp; SCHAUB, P.C.

By:

Attorney for said Trustee

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.

SERVE:

DESCRIPTION

PARCEL 1:

17139

Beginning at the most Westerly corner of a parcel of land conveyed by Kincaid to Lillard as described in a deed recorded in Klamath County Deed Records, Volume 114 page 586, which point of beginning, is on the Northerly right of way line of Lakeshore Drive and is South 75°29' East a distance of 118.42 feet from the most Northerly corner of Lot 26 in Ouse Kila Homesites, thence South 45°03' East a distance of 36.78 feet; thence Southeasterly along the arc of a curve which designates the Northerly right of way line of said Lakeshore Drive, whose radius is 380.9 feet in length, a distance of 163.22 feet; thence North 25°0' East a distance of 200 feet, more or less, to the shore-line of Upper Klamath Lake; thence Westerly along said shore-line a distance of 150 feet, more or less, to a point which is North 48°43' East from the point of beginning; thence South 48°43' West a distance of 136 feet, more or less, to the point of beginning, being a parcel of land in the NE¼NE¼ of Section 26, Township 38 South, Range 8 East of the Willamette Meridian.

PARCEL 2:

Beginning at a point on the East right of way line of Secondary Highway No. 421 which lies North 89°59' East (this bearing is South 89°57' East in Lakewood Heights) a distance of 1375.08 feet and South 44°08' East along the East right of way line of the Highway a distance of 78.29 feet from the iron pin which marks the quarter section corner common to Sections 23 and 26, Township 38 South, Range 8 East of the Willamette Meridian in Klamath County, Oregon, (note this point of beginning marks the most Westerly corner of the tract described on page 531, Volume 164, Deed records of Klamath County, Oregon) and running thence North 48°43' East along the Northwesterly line of the above noted tract a distance of 138.5 feet to a point on the shore line of Upper Klamath Lake; thence North 66°17' West along the shore line of Upper Klamath Lake a distance of 12.76 feet to an iron pin; thence South 43°45' West a distance of 133.6 feet, more or less, to the point of beginning, said parcel being in Section 23, Township 38 South, Range 8 East of the Willamette Meridian and Section 26, Township 38 South, Range 8 East of the Willamette Meridian.

EXHIBIT "A"

STATE OF OREGON: COUNTY OF KLAMATH:ss

I hereby certify that the within instrument was received and filed for record on the 4th day of October A.D., 19 84 at 2:15 o'clock P M, and duly recorded in Vol M84, of Mortgages on page 17136.

Fee: \$ 16.00 Index: \$1.00

EVELYN BIEHN, COUNTY CLERK

by: Ram Smith, Deputy