

44671

TRUSTEE'S NOTICE OF SALE

Vol. 195 Page 1 135

Reference is made to that certain trust deed made by LUTHER H. DEARBORN AND FRANCES B. DEARBORN, as grantor, to Klamath County Title Company, as trustee, in favor of LILLIAN P. PIERCE, as beneficiary, dated April 25, 1980, recorded April 25, 1980, in the mortgage records of Klamath County, Oregon, in book/see/volume No. M-80 at page 7730, fee/file/instrument/microfilm/reception No. (indicate which), covering the following described real property situated in said county and state, to-wit:

Lot 101, FIRST ADDITION TO CASITAS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

1) Shur-Way Contractors, Inc., an Oregon Corporation, Successor in interest to grantors by reason of a Warranty Deed from LUTHER H. DEARBORN and FRANCES B. DEARBORN, to SHUR-WAY CONTRACTORS, INC., dated August 13, 1981, and recorded August 13, 1981, in Book M-81, Page 14471, records of Klamath County, Oregon

(CONTINUED ON BACK OF PAGE) **

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 86.731(3) of Oregon Revised Statutes; the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Monthly payment due 9/15/81; 11/15/81; 1/15/82; 6/15/82; 12/15/82; 1/15/83; 2/15/83; 5/15/83; 6/15/83; 7/15/83; 8/15/83; 9/15/83; 10/15/83; 11/15/83; 12/15/83; 1/15/84; 2/15/84; 3/15/84; 4/15/84; 5/15/84; 6/15/84; 7/15/84; and every month thereafter on the 15th of each month at \$215 per month plus interest at ten percent (10%) per annum;

(CONTINUED ON BACK PAGE) ***

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

\$19,793.87 plus interest at ten percent (10%) per annum from July 27, 1983, until paid; plus property taxes of \$1,071.61, plus interest; for Title Report costs of \$270 and for attorney fees, trustees' fees and other costs related to this proceeding.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 7, 1985, at the hour of 10:00 o'clock, A.M., Standard Time, as established by Section 137.110, Oregon Revised Statutes, at 110 N. Sixth Street, Suite 209, 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 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said Section 86.753 of Oregon Revised Statutes.

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, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED July 26, 1984

RETURN TO: JAMES R. UERLINGS,
110 N. 6th St., Suite 209
Klamath Falls, OR 97601-6056
State of Oregon, County of

Successor Trustee

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

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

SERVE

- ** 2) Beneficiary Interest assigned September 2, 1983, to NORMA G. BRIDSON, as Trustee for ROBERT L. BAILEY, WILLIAM P. ALBUQUERQUE, MARIE ERICKSON, E. JAMES BAILEY, SHARON RISLEY and NORMA G. BRIDSON, recorded September 13, 1983, in Book M-83, Page 15631, records of Klamath County, Oregon.
- 3) JAMES R. UERLINGS, appointed Successor Trustee on September 2, 1983, recorded in M-83, Page 15633, in the records of Klamath County, Oregon, on September 13, 1983.

- *** ...plus unpaid property taxes of \$316 plus interest for 1981-1982;
plus unpaid property taxes of \$373.75 plus interest for 1982-1983;
plus unpaid property taxes of \$381.86 plus interest for 1983-1984; and
unpaid property taxes plus interest for 1984-1985, plus the attorney
fees, trustees' fees, title report costs, service fees and other costs
of this proceeding.

STATE OF OREGON, County of Klamath

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I, JAMES R. UERLINGS

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 both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

See exhibit "A" attached hereto and incorporated herein by this reference

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 56.755.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by James R. Uerlings, 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 August 8, 1984. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded. 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 me this 3 day of January, 1985.

(SEAL)

JAMES R. UERLINGS

Barbara A. Lepp

Notary Public for Oregon. My commission expires 4/1/88

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from L. H. Dearborn & F. B. Dearborn

James R. Uerlings

Successor Trustee

AFTER RECORDING RETURN TO James R. Uerlings P. O. Box 5050 Klamath Falls, OR 97601

STATE OF OREGON, County of }

I certify that the within instrument was received for record on the day of at o'clock M., and recorded in book/leaf/volume No. on page or as fee/tile/instrument/microfilm/reception No. Record of Mortgages of said County. Witness my hand and seal of County affixed.

By Deputy

EXHIBIT "A"

Mr. Luther H. Dearborn
137 High Street
Klamath Falls, OR 97601

Shur-Way Contractors, Inc.
P. O. Box 1908
Eugene, OR 97402

Mr. Mark W. Hohle
Churchill, Leonard,
Brown & Donaldson
P. O. Box 804
Salem, OR 97308

Shur-Way Contractors, Inc.
c/o Mr. Max Ansola, Jr.,
Registered Agent
5204 High Banks Road
Springfield, OR 97477

Mrs. Frances E. Dearborn
137 High Street
Klamath Falls, OR 97601

Mr. Michael Kinney
Bank of Oregon
P. O. Box 606
Woodburn, OR 97071

Mr. Michael Doyle
Attorney at Law
240 E. 12th Street
Eugene, OR 97401

Ms. Irene Westwood
Registered Agent,
Bank of Oregon
1175 Mt. Hood Avenue
Woodburn, OR 97071

OA

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CERTIFICATE OF NON-MILITARY SERVICE

STATE OF OREGON,

County of Klamath

THIS IS TO CERTIFY That I am the attorney for the successor beneficiary in that certain trust deed in which Luther H. Dearborn and Frances B. Dearborn, as grantor, conveyed to Klamath County Title Co., as trustee, certain real property in Klamath County, Oregon; which said trust deed was dated April 25, 1980, and recorded April 25, 1980, in the mortgage records of said county, in book XXXXXX M80 at page 7730 ~~XXXXXXXXXXXXXXXXXXXX~~ XXXXXXXXXXXXXXXXXXXX (indicate which); thereafter a notice of default with respect to said trust deed was recorded July 14, 1984, in book XXXXXX M84 at page 12701 of said mortgage records, ~~XXXXXXXXXXXXXXXXXXXX~~ XXXXXXXXXXXXXXXXXXXX (indicate which); thereafter the said trust deed was duly foreclosed by advertisement and sale and the real property covered by said trust deed was sold at the trustee's sale on January 7, 1985; I reasonably believe at no time during the period of three months and one day immediately preceding the day of said sale and including the day thereof, was the real property described in and covered by said trust deed, or any interest therein, owned by a person in the military service as defined in Article I of the "Soldiers' and Sailors' Civil Relief Act of 1940," as amended.

In construing this certificate the masculine includes the feminine, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor, the word "trustee" includes any successor trustee, and the word "beneficiary" includes any successor in interest to the beneficiary named in said trust deed.

James R. Uerlings
James R. Uerlings
Attorney for successor Beneficiary

STATE OF OREGON, County of Klamath, ss: January 4, 1984

Personally appeared the above named James R. Uerlings
who subscribed and swore to the foregoing certificate and acknowledged the foregoing instrument to be his voluntary act and deed.

(SEAL)

Before me:

Lachara S. Lyle
Notary Public for Oregon
My commission expires 11/1/88

CERTIFICATE
OF NON-MILITARY SERVICE

Re Trust Deed from
Luther H. Dearborn and
Frances B. Dearborn Grantor

to
James R. Uerlings
Successor Trustee

AFTER RECORDING RETURN TO

James R. Uerlings
P. O. Box 5050
Klamath Falls, OR 97601

DO NOT USE THIS
SPACE RESERVED
FOR RECORDING
LABEL IN COUNTIES
WHERE REQUIRED

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/reel/volume _____ on page
_____, or as fee/file/instrument/
microfilm reception No. _____
of the _____
Records of said County.

NAME _____ TITLE _____
By _____ Deputy

Affidavit of Publication

STATE OF OREGON,
COUNTY OF KLAMATH

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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

#359-Trustee's Sale - Dearborn

a printed copy of which is hereto annexed,

was published in the entire issue of said

newspaper for four

~~times~~

(4 insertion s) in the following issue s: —

November 23, 1984

November 30, 1984

December 7, 1984

December 14, 1984

Total lost: \$332.52

Subscribed and sworn to before me this 14
day of December 1984

Notary Public of Oregon

My commission expires 1985

TRUSTEE'S NOTICE OF SALE
Reference is made to that certain trust deed
made by LUTHER M. DEARBORN AND
FRANCES B. DEARBORN, as grantors, to
KLAMATH COUNTY TITLE COMPANY, as
trustee, in favor of LILLIAN P. PIERCE, as
beneficiary, dated April 25, 1980, recorded
April 25, 1980, in the mortgage records of
Klamath County, Oregon, in volume No. 4480
at page 772, covering the following described
real property situated in said county and state:
R-1-1

L-1-1: FIRST ADDITION TO CASITAS,
according to the official plat thereof on file in
the office of the County Clerk of Klamath
County, Oregon.

1) Shur Way Contractors, Inc., an Oregon
Corporation, Successor in interest to grantors
by reason of a Warranty Deed from LUTHER
M. DEARBORN and FRANCES B.
DEARBORN, to SHUR WAY CONTRACTORS,
INC., dated August 13, 1981, and recorded
August 13, 1981, in Book M-81, Page 1467,
records of Klamath County, Oregon.

2) Beneficiary interest assigned September 2,
1981, to NORMA G. BRISBON, as Trustee to
ROBERT L. BAILEY, LILLIAN P. ALBU
QUERQUE, MARIE ERICKSON, E. JAMES
BAILEY, SHARON RISLEY and NORMA G.
BRISBON, recorded September 13, 1983, in
Book M-83, Page 15697, records of Klamath
County, Oregon.

3) JAMES R. UERLINGS, appointed Successor
Trustee on September 2, 1983, recorded in M-83,
Page 15693, in the records of Klamath County,
Oregon, on September 13, 1983.

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 84.725(3) of Oregon Revised
Statutes, the default for which the foreclosure
is made is grantor's failure to pay when due
the following sums:

Monthly payment due 9/15/81, 11/15/81,
1/15/82, 4/15/82, 12/15/82, 1/15/83, 2/15/83,
5/15/83, 6/15/83, 7/15/83, 8/15/83, 9/15/83,
10/15/83, 11/15/83, 12/15/83, 1/15/84, 2/15/84,
3/15/84, 4/15/84, 5/15/84, 6/15/84, 7/15/84, and
every month thereafter on the 15th of each
month at \$215 per month plus interest at ten
percent (10%) per annum.

...plus unpaid property taxes of \$316 plus
interest for 1981-1982; plus unpaid property
taxes of \$373.75 plus interest for 1982-1983; plus
unpaid property taxes of \$381.86 plus interest
for 1983-1984; and unpaid property taxes plus
interest for 1984-1985, plus the attorney fees,
trustee's fees, title report costs, service fees
and other costs of this proceeding.

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

\$19,793.87 plus interest at ten percent (10%) per
annum from July 27, 1983, until paid, plus
property taxes of \$1,071.61, plus interest, for
Title Report costs of \$270 and for attorney fees,
trustee's fees and other costs related to this
proceeding.

WHEREFORE, notice hereby is given that the
undersigned trustee will on January 7, 1985, at
the hour of 10:00 o'clock, A.M., Standard Time,
as established by Section 187.110, Oregon
Revised Statutes, at 110 N. Sixth Street, Suite
209 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
84.753 of Oregon Revised Statutes has the right,
at any time prior to five days before the
trustee conducts the sale, to have this
foreclosure proceeding dismissed and the trust
deed reinstated by payment to the beneficiary
of the entire amount then due (other than such
portion of the principal as would not then be
due had no default occurred; and by curing
any other default complained of herein that is
capable of being cured by tendering the
performance required under the obligation of
trust deed, and in addition to paying said sums
or tendering the performance necessary to
cure the default, by paying all costs and
expenses actually incurred in enforcing the
obligation and trust deed, together with
trustee's and attorney's fees not exceeding the
amounts provided by said Section 84.753 of
Oregon Revised Statutes.

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 owning an
obligation, the performance of which is secured
by said trust deed, and the words "trustee"
and "beneficiary" include their respective
successors in interest, if any.

DATED July 26, 1984
James R. Uerlings
Successor Trustee
#359 Nov. 23.30 Dec. 7, 14, 1984

SHERIFF'S RETURN OF SERVICE

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STATE OF OREGON)

Court Case No. _____

County of Klamath) ss.

Sheriff's Case No. 84-2654

I hereby certify that I received on August 21, 1984 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) TRUSTEE'S NOTICE OF SALE

for service on the within named: Jamie Marie Weiser

(x) SERVED Jamie Marie Weiser personal y and in person.
 at 3010 Bristol, Klamath Falls, OR 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: August 22, 1984 10:34 a.m.

TOM DURYEE, Sheriff
 Klamath County, Oregon

By Cynthia M. Dean Deputy

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 January A.D., 1985 at 2:22 o'clock P.M.,
 and duly recorded in Vol. M35, of Mortgages on page 135.

EVELYN BIEHN, COUNTY CLERK

Fee: \$ 29.00

by: _____, Deputy