

Return to:

J. GARY MCCLAIN, P.C.
ATTORNEY AT LAW
2336 S.E. WASHINGTON STREET
MILWAUKIE, OREGON 97222

50720

Vol. 1985 Page 10419

FILE 5 JUL 2 34

#046 - Notice of Sale/Rolfe

four

4

May 16, 1985

May 23, 1985

May 30, 1985

June 6, 1985

Total cost: \$515.32

Sarah L. Parsons

June

6

85

STATE OF OREGON: COUNTY OF KLAMATH: ss

I hereby certify that the within instrument was received and filed for record on the 5 day of July A.D., 1985 at 2:34 o'clock P M, and duly recorded in Vol M 85, of Mortgages on page 10419
Fee 5.00

Fee: \$

EVELYN BIEHN, COUNTY CLERK

by Bernetha J. Schuch, Deputy

TRUSTEE'S NOTICE OF SALE

Reference is made to those certain trust deeds as follows:

(1) Trust Deed Number One made by HAROLD V. ROLFE and JESSIE M. ROLFE, as grantors, to WILLIAM L. SIZEMORE, as trustee, in favor of TOWN AND COUNTRY MORTGAGE AND INVESTMENT CO., INC., as beneficiary, dated October 1, 1979, recorded October 1, 1979 in Book M-79, Page 23201 of the Mortgage Records of Klamath County, Oregon, the beneficial interest in which was assigned by the beneficiary to Seattle First National Bank, as agents for John H. Sennhauser, trustee for Edwin H. Sennhauser, by instrument dated October 1, 1979, recorded October 1, 1979 in Book M-79, Page 23204 of the Mortgage Records of Klamath County, Oregon and the beneficial interest in which was subsequently assigned by the above named assignee, Seattle First National Bank, as agents for John H. Sennhauser, trustee for Edwin H. Sennhauser, to Ella M. Rolfe, by instrument dated February 15, 1985, and recorded on March 7th, 1985, in Book M-85, Page 3391 of the Mortgage Records of Klamath County, Oregon.

(2) Trust Deed Number Two made by HAROLD V. ROLFE and JESSIE M. ROLFE, as grantors, to William L. Sizemore as trustee, in favor of TOWN AND COUNTRY MORTGAGE AND INVESTMENT CO., an Oregon corporation, as beneficiary, dated December 4, 1980, recorded December 5, 1980 in Book M-80, Page 23616 of the Mortgage Records of Klamath County, Oregon. The beneficial interest in said trust deed was assigned by the beneficiary to Albert Bonderow, trustee, U/W Fosee Bonderow, by instrument dated December 5, 1980, recorded December 5, 1980, in Book M-80, Page 23620 of the Mortgage Records of Klamath County, Oregon, and re-recorded on January 5, 1981, in Book M-81, Page 95 of the Mortgage Records of Klamath County, Oregon. The interest in said trust deed was subsequently assigned by Albert Bonderow, trustee, U/W Fosee Bonderow to Carol L. Latham and Dennis C. Latham, husband and wife, by instrument dated February 4, 1983, recorded February 8, 1983, in Book M-83, Page 1989 of the Mortgage Records of Klamath County, Oregon. The beneficial interest in said trust deed was further assigned by Carol L. Latham and Dennis C. Latham, husband and wife, to Ella M. Rolfe, by instrument dated February 15, 1985, recorded March 7th, 1985 in Book M-85, Page 3389 of the Mortgage Records of Klamath County, Oregon.

Both of the above indicated trust deeds covering the following described real property situated in said county and state, to-wit: A parcel of land lying in Tract 38 and Tract 39 of HOMEDALE and in the NW 1/4 of the NE 1/4 of the NW 1/4 of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being a portion of that property described in those deeds to Klamath County, recorded in book 309 at page 479 and book 319 at page 479, deed records, the said parcel being all that portion of said Tract 38 and Tract 39 of HOMEDALE, which lies on the Westerly side of the center line of the continuation of Hope Street Southerly to Wiard Street as this county road has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 21 plus 30.24, said Station being 838.4 feet South and 2068.2 feet East of the Northwest corner of Section 11, Township 39 South, Range 9 East of the Willamette Meridian; thence North 191°30' East a distance of 669.76 feet to Engineer's center line Station 28 plus 00, SAVE AND EXCEPT that portion of the described parcel included in a strip of land 40.0 feet in width, and which is parallel with and adjacent to the above described center line.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deeds and a notice of default and election to sell has been recorded pursuant to section 86.733(3) of Oregon Revised Statutes; the default for which the foreclosure is made is grantors' failure to pay when due the following sums:

(1) Trust Deed Number One as above indicated:
(a) Real property taxes for year 1982-83 in the amount of \$368.32 plus interest thereon;
(b) Real property taxes for year 1983-84 in the amount of \$404.54 plus interest thereon;
(c) Real property taxes for year 1984-85 in the amount of \$520.20 plus interest thereon;

(d) The entire balance of the promissory note secured by said trust deed was due and payable on October 1, 1984. Said due date was extended to February 16, 1985 at which time the total amount of \$11,422.72, including principal, interest and late charges was due and payable, no part of which has been paid by grantors.

(2) Trust Deed Number Two as above indicated:
(a) Real property taxes for year 1982-83 in the amount of \$368.32 plus interest thereon;

(b) Real property taxes for year 1983-84 in the amount of \$404.54 plus interest thereon;

(c) Real property taxes for year 1984-85 in the amount of \$520.20 plus interest thereon;

(d) The failure to pay the total amount due on the first obligation and trust deed, as set forth above, when the same came due and payable, as extended, on February 16, 1985.

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

(1) Trust Deed Number One as indicated above: as of the date of this trustee's notice of sale the sum of \$11,594.03 plus the real property taxes and interest above indicated;

(2) Trust Deed Number Two as indicated above: as of the date of this trustee's notice of sale the sum of \$10,669.72, delinquent interest in

the amount of \$300, plus the real property taxes and interest above indicated.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 16, 1985 at the hour of 3:00 o'clock P.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at the front door of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantors 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 grantors or his successors in interest acquired after the execution of said trust deeds, 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 86.733 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 deeds 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 obligations or trust deeds, 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 obligations and trust deeds, 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 this 25th day of March, 1985.
J. GARY MCCLAIN, Successor Trustee
STATE OF OREGON

County of Clackamas 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.

J. GARY MCCLAIN
Attorney for said Trustee
1846-May 16, 23, 30, June 6, 1985