

52170

TRUSTEE'S NOTICE OF SALE

Vol. M85 Page 12952

Reference is made to that certain trust deed made by DOUGLAS A. HEATH and KAREL S. HEATH,
husband and wife,
WILLIAM SISEMORE, as grantor, to
 in favor of KLAMATH FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION, as trustee,
 dated February 29, 19 80, recorded February 29, 19 80, in the mortgage records of
Klamath County, Oregon, in book/reel/volume No. M80 at page 3951
~~for the first payment of interest on the principal of~~ (date which), covering the following described real
 property situated in said county and state, to-wit:

Lot 2, Block 73, BUENA VISTA ADDITION to the City of Klamath Falls,
 according to the official plat thereof on file in the office of the
 County Clerk of Klamath County, Oregon.

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:

\$297.00 due September 25, October 25, November 25 and December 25, 1984;
 296.00 due on the 25th day of January, 1985, and a like amount due on
 the 25th 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:

\$24,251.80, plus interest and late charges.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 19, 19 85,
 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 obli-
 gation, the performance of which is secured by said trust deed; the words "trustee" and "beneficiary" include their
 respective successors in interest, if any.

DATED April 10, 1985

William S. Sismore

State of Oregon, County of Klamath

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(2) or ORS 86.750(1), fill in opposite
 the name and address of party to be served.

SERVE:

205 AUG 16 PM 1 04

OK 21-00

PROOF OF SERVICE

STATE OF OREGON

CLAMATH

County of _____ 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 DOUGLAS A. HEATH, by delivering such true copy to him/her, personally and in person,
at 1942 Academy, Klamath Falls, Ore., on April 15, 1985, at 4:08 o'clock P.M.

Upon KAREL S. HEATH, by delivering such true copy to him/her, personally and in person,
at 1942 Academy, Klamath Falls, Ore., on April 15, 1985, at 4:08 o'clock P.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.

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 _____, after reasonable efforts to do so have been made;
attempted to make service by _____

Subscribed and sworn to before me this 16 day of _____, 1985

Notary Public for Oregon
My commission expires 2-5-89

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 Publication

STATE OF OREGON,
COUNTY OF KLAMATH

12954

(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

#006-Trustee's Sale-Sisemore

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

~~successive and consecutive week x day x~~

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

July 3, 1985

July 10, 1985

July 17, 1985

July 24, 1985

Total Cost: \$212.80

Sarah L. Parsons

Subscribed and sworn to before me this 24
day of July, 1985

Leta Ducka
Notary Public of Oregon

My commission expires Jan 15 1986

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed

made by DOUGLAS A. HEATH and KAREL S. HEATH, husband and wife, as grantor, to WILLIAM SISEMORE, as trustee, in favor of KLAMATH FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION, as beneficiary, dated February 29, 1980, recorded February 29, 1980, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M80 at page 3951, covering the following described real property situated in said county and state, to-wit:

Lot 2, Block 73, BUENA VISTA ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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:

\$297.00 due September 25, October 25, November 25 and December 25, 1984; 296.00 due on the 25th day of January, 1985, and a like amount due on the 25th 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:

\$24,251.80, plus interest and late charges.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 19, 1985, 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 April 10, 1985.

William L. Sisemore

Trustee

#006-July 3, 10, 17, 24, 1985

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

12955

In re

DOUGLAS ALLEN HEATH
KAREL Sue HEATH

Debtor(s).

Case No. 685-07545

NON-JUDICIAL RELIEF
FROM THE AUTOMATIC STAY
OF 11 U.S.C. §362(a)

The following creditor has a purchase money security interest or a perfected security interest in the following property; there appears to be no equity in the property for the estate, and the debtor(s) do not object to relief from the stay as to the property; therefore,

The trustee hereby authorizes non-judicial relief from the automatic stay as to the specific property named below and the creditor may foreclose the security interest as provided in the security agreement or applicable law provided, however, the creditor shall account to the trustee for any surplus over the balance due which may be realized upon foreclosure.

Name of Creditor: Klamath First Federal Savings and Loan Association.

Property Released: LOT 2 BLOCK 73 BUENA VISTA ADDITION
1942 ACADEMY ST.
KLAMATH FALLS, ORE.

DATED: July 5, 1985.

Kenneth B. Fe
Trustee
William Z. Sisk
Debtor/Debtor's Attorney*

*The debtor or attorney's signature
may be required by the trustee.

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

12956

STATE OF OREGON, County of Klamath, SS:

I, William L. Sisemore

being first duly sworn, depose, and 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 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:

NAME
Western Builders & Design Corp.,
James R. Titus
Fredia J. Titus
Judith F. Middleton

ADDRESS
4907 N. E. 42nd, Portland, Oregon 97218
8705 Reeder Rd., Klamath Falls, Or. 97603
8705 Reeder Rd., Klamath Falls, Or. 97603
2241 Greensprings Dr., #10
Klamath Falls, Or. 97601

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 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 April 10th, 1985. 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 10th day of April, 1985.

(SEAL)

Claver M. Farley
Notary Public for Oregon. My commission expires 2-5-89.

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.

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

RE: Trust Deed from

Grantor

TO

Trustee

AFTER RECORDING RETURN TO

William L. Sisemore
540 Main Street
Klamath Falls, Or. 97601

(DON'T USE THIS SPACE: RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

STATE OF OREGON,
County of Klamath } ss.

I certify that the within instrument was received for record on the 16th day of August, 1985, at 1:04 o'clock P.M., and recorded in book/reel/volume No. M85 on page 12952 or as fee/file/instrument/microfilm/reception No. 52170, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

By John Smith, Deputy

Fee: \$21.00