

53478

K-37729

STEVENS-NESS LAW FIRM, P.C., PORTLAND, ORE. 97204

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by James M. Manes and Sherry Manes,
husband and wife
Pioneer National Title Insurance Company, as grantor, to
Peoples Mortgage Company, as trustee,
dated October 16, 1979, recorded October 26, 1979, in the mortgage records of
Klamath County, Oregon, in 800/100/100 volume No. M-79, at page 25359,
fee/file/instrument/microfilm/reception No. _____ (indicate which), covering the following described real
property situated in said county and state, to-wit:

See attached Exhibit A.

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:

Delinquent monthly installments of \$431.29 each from January 1, 1985 through April 1, 1985; plus monthly late charges of \$17.00 each from January 16, 1985 through April 16, 1985.

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:
Unpaid principal balance of \$35,900.94 with interest thereon at the rate of 10.50% per annum from December 2, 1984 until paid; plus late charges and accumulated late charges totalling \$179.00; less a reserve balance of \$34.89.

WHEREFORE, notice hereby is given that the undersigned trustee will on September 19, 1985, at the hour of 9:45 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at The front entrance to the Klamath 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 86.753 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 May 3, 1985

William Larkins, Jr.
Trustee

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

SEP 17 AM 11 20

EXHIBIT A

15175

A portion of Tract 68, Fair Acres, more particularly described as follows:

Beginning at a point on the South line of said Tract 68, which point is West 105.25 feet and N. 0° 11' E. 30 feet from the corner common to Sections 35 and 36, T. 38 S., R. 9 E.W.M., and Sections 1 and 2, T. 39 S., R. 9 E.W.M.; thence N. 0° 11' E. parallel to the East line of said Section 35, a distance of 125 feet, thence West 75.25 feet; thence S. 0° 11' W. 125 feet, more or less, to the South line of said Tract 68; thence East 75.25 feet, more or less, to the point of beginning.

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

15176

STATE OF OREGON, County of Multnomah, ss:

I, William Larkins, Jr.,

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

ADDRESS

James M. Manes

1912 Harvey Road
 Marysville, California
 95901

Sherry L. Manes

1912 Harvey Road
 Marysville, California
 95901

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 Larkins, Jr.,

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 Portland, Oregon, on May 6, 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 6th day of May, 1985.

Notary Public for Oregon. My commission expires 4/6/89.

* 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

Manes

Grantor

TO
Pioneer National Title

Trustee

AFTER RECORDING RETURN TO

William Larkins, Jr.
 3100 First Interstate Tower
 Portland, Oregon 97201

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

STATE OF OREGON,

County of } ss.

I certify that the within instrument was received for record on the day of 1985, at o'clock M., and recorded in book/reel/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.

NAME

TITLE

By Deputy

**INSTRUCTIONS FOR SERVICE OF TRUSTEE'S NOTICE OF SALE UPON OCCUPANT
AND PROOF OF SERVICE**

15177

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, being first duly sworn, depose and say:
I am the Trustee or attorney for the Trustee in the trust deed described in the attached Trustee's Notice of Sale.

You are hereby directed to serve the Trustee's Notice of Sale in the manner in which a summons is served pursuant to ORCP 7D.(2) and 7D.(3), upon the occupant of the property described in said Notice of Sale.

The name of the person to be served, if known, and the property address of the property described in said trust deed, are as follows:
NAME OF PERSON TO BE SERVED
(If unknown, so state)

Occupant(s)

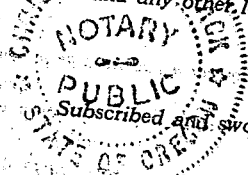
PROPERTY ADDRESS

5735 Shasta Way
Klamath Falls, Oregon 97601

If the occupant is indicated as "unknown", or if you find the property at said address to be occupied by other than the person named, then you are instructed to serve the person or persons whom you find to be occupying said property.

Service should be made by May 22, 19 85, which is 120 days before the date fixed for the sale in the attached notice. If you have not made service by that date, and the property appears occupied, persist in making service until it has been accomplished.

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 3rd day of May, 19 85.

William Larkins Jr.
(Attorney for) Trustee

Christine E. Kilgach
Notary Public for Oregon. My commission expires: 4/6/89

(SEAL)

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 UPON OCCUPANT OF TRUSTEE'S
NOTICE OF SALE**
(120-Day Notice per ORS 86.750(1))

RE: Trust Deed from
Manes

Grantor
Pioneer National Title
Trustee

AFTER RECORDING, RETURN TO
William Larkins, Jr.
3100 First Interstate Tower
Portland, Oregon 97201

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 _____, 19____, 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

SHERIFF'S RETURN OF SERVICE

15178

STATE OF OREGON)
County of Klamath) ss.

Court Case No. _____

Sheriff's Case No. 85-1433

I hereby certify that I received on May 8, 1985 the within:

- | | | | | |
|--|--|---|------------------------------------|------------------------------------|
| <input type="checkbox"/> Summons & Complaint | <input type="checkbox"/> Summons & Petition | <input type="checkbox"/> Summons | <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition |
| <input type="checkbox"/> Subpoena | <input type="checkbox"/> Citation | <input type="checkbox"/> Order | <input type="checkbox"/> Motion | <input type="checkbox"/> Affidavit |
| <input type="checkbox"/> Small Claim | <input type="checkbox"/> Restraining Order | <input type="checkbox"/> Show Cause Order | <input type="checkbox"/> Notice | |
| <input type="checkbox"/> Writ of Garnishment | <input type="checkbox"/> Order of Appearance | <input type="checkbox"/> Waiver of fees | | |

☒ TRUSTEE'S NOTICE OF SALE

for service on the within named: Occupants, 5735 Shasta Way, Klamath Falls, OR 97603
☐ SERVED _____ personally and in person.
 at _____

☐ 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: Occupants, house completely empty.
 within Klamath County.

All search and service was made within Klamath County, State of Oregon.

DATE AND TIME OF SERVICE OR NOT FOUND: May 9, 1985 12:58 p.m.

TOM DURYEE, Sheriff
Klamath County, Oregon

By Joan E. Harrison Deputy

Affidavit of Publication

15179

STATE OF OREGON,
COUNTY OF KLAMATH

ss.

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

#917-Trustee's Sale

Manes

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

~~successive work consecutive weeks or days~~

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

June 5, 1985

June 12, 1985

June 19, 1985

June 26, 1985

Total Cost: \$279.32

Sarah L. Parsons

Subscribed and sworn to before me this 26
day of June 1985

Leta Backa
Notary Public of Oregon

My commission expires Jan 15 1986

(COPY OF NOTICE TO BE PASTED HERE)

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by James M. Manes and Sherry Manes, husband and wife, as grantor, to Pioneer National Title Insurance Company, as trustee, in favor of Peoples Mortgage Company, as beneficiary, dated October 16, 1979, recorded October 26, 1979, in the mortgage records of Klamath County, Oregon, in Volume No. M-79 at page 25359, covering the following described real property situated in said county and state, to-wit:

A portion of Tract 68, Fair Acres, more particularly described as follows:
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WHEREFORE, notice hereby is given that the undersigned trustee will on September 19, 1985, at the hour of 9:45 o'clock, A.M., Standard

Time, as established by Section 187.110, Oregon Revised Statutes, at the front entrance to the Klamath 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 86.753 of Oregon Revised Statutes has the right at any time prior to five days before the trustee conducts the sale, 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 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.

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Dated May 3, 1985
William Larkins, Jr.
Trustee
State of Oregon, County of Multnomah

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ day
of September A.D., 19 85 at 11:20 o'clock A.M., and duly recorded in Vol. M85
of _____ on Page 15174

FEE \$25.00

Evelyn Biehn
By Ram Smith County Clerk