

55059

TRUSTEE'S NOTICE OF SALE

Vol. M85 Page 17881

Reference is made to that certain trust deed made by KENNETH L. GORDON, a single man,

WILLIAM SISEMORE

as grantor, to
in favor of KLAMATH FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION, as trustee,
dated September 14, 1978, recorded September 18, 1978, in the mortgage records of
Klamath County, Oregon, in book/~~rec'd~~ No. M78 at page 20545,
~~as trustee~~ covering the following described real
property situated in said county and state, to-wit: (property later sold to Christy A. Otis)

Lot 4 of Fair Acres Subdivision No. 1, 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:

\$439.00 due January 20, 1985, and a like amount due on the 20th day of each month thereafter.

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:

\$36,414.78, plus interest and late charges.

WHEREFORE, notice hereby is given that the undersigned trustee will on November 5, 1985, at the hour of 10:10 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 86.753 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 to 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 June 28, 1985

William J. Seaman

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

SERVE:

CLERK OF COUNTY CLERK
Klamath County, Oregon
JUN 28 1985

STATE OF OREGON

PROOF OF SERVICE

17882

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 herein mentioned 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:

Upon CHRISTY A. OTIS

at 1537 Wiard St., Klamath Falls, Ore. by delivering such true copy to him/her, personally and in person, on July 8, 1985, at 10:56 o'clock A.M.

at _____, by delivering such true copy to him/her, personally and in person, on _____, 19____, at _____ o'clock ____M.

Upon _____, Substituted Service Upon Individual(s) _____, 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.

Upon _____, Office Service Upon Individual(s) _____, 19____, at _____ o'clock ____M.

business at _____, at the office which he/she maintains for the conduct of _____, the person who is apparently in charge, on _____, 19____, during normal working hours, at to-wit: _____ o'clock, ____M.

Upon _____, Service on Corporations, Limited Partnerships or Unincorporated Associations Subject to Suit Under a Common Name (NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.) _____, by

(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. _____, on _____, 19____, at _____ o'clock ____M.

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.

Upon _____, Service Upon Public Bodies _____, 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 _____, 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, 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 _____ day of _____, 19____

Notary Public for Oregon
My commission expires _____

(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.

Affidavit of Publication

STATE OF OREGON,
COUNTY OF KLAMATH

17883

(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

#194 Trustees Sale-Gordon

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

~~successive work consecutive work x days x~~
(4 insertion s) in the following issue s: —

Sept. 12, 1985

Sept. 19, 1985

Sept. 26, 1985

Oct. 3, 1985

Total Cost: \$226.12

Sarah L. Parsons

Subscribed and sworn to before me this 3
day of October 19 85

[Signature]
Notary Public of Oregon

My commission expires Jan 15 86

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

ADDRESS

Kenneth E. Gordon

c/o High Country Records
 811 Main St.,
 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

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 June 28, 19 85. 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 28th day of June, 19 85

(SEAL)

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 St.,
 Klamath Falls, Or. 97601

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

STATE OF OREGON,
 County of Klamath } ss.

I certify that the within instrument was received for record on the 4th day of November, 19 85, at 10:19 o'clock A.M., and recorded in book/reel/volume No. M85 on page 17881 or as fee/file/instrument/microfilm/reception No. 55059, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

By Frank Smith Deputy

Fee: \$17.00