

55248

ASPEN F-27318

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

Vol 1885 Page 18220

STATE OF OREGON, County of Klamath, ss:

I, Sandra K. Handsaker,

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 Kenneth K. Itamura, Sr.

ADDRESS

Christerbelle J. Itamura

501 N. Kainalu Drive
Kailua, HI 96734

Internal Revenue Service
District for Honolulu
Internal Revenue Service

501 N. Kainalu Drive
Kailua, HI 96734

300 Ala Moana Blvd
Honolulu, HI 96813

P. O. Box 3550

Portland, Oregon 97208

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

ANDREW A. PATTERSON, Assistant Secretary, 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 October 21, 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.

Notice sent under ORS 86.755(6)

Subscribed and sworn to before me this 8th day of November, 1985.

Sandra Handsaker

Notary Public for Oregon. My commission expires 8-7-89.

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

Kenneth K. Itamura, Sr.

Christerbelle J. Itamura

Grantor

Transamerica Title Insurance Company

Trustee

AFTER RECORDING RETURN TO
Aspen Title & Escrow, Inc.
600 Main Street
Klamath Falls, Oregon 97601

(DON'T USE THIS SPACE: RESERVED FOR RECORDING LABEL IN COUNTIES 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/file/instrument/microfilm/reception No. Record of Mortgages of said County. Witness my hand and seal of County affixed.

By NAME TITLE Deputy

OC

Amended TRUSTEE'S NOTICE OF SALE

18221

Reference is made to that certain trust deed made by Kenneth K. Itamura, Sr. and Christerbelle I. Itamura, husband and wife, as grantor, to Transamerica Title Insurance Company, as trustee, in favor of Wells Fargo Realty Services, Inc., Trustee, as beneficiary, dated February 2, 1979, recorded May 17, 1979, in the mortgage records of Klamath County, Oregon, in book/entry No. M-79 at page 11280, for the purpose of making, recording and (indicate which), covering the following described real property situated in said county and state, to-wit:

Lot 18, Block 32, Tract No. 1184, OREGON SHORES UNIT #2,
FIRST ADDITION, in the County of Klamath, State of Oregon.

Original Sale date was set for September 7, 1984, at which time the Grantors herein filed Bankruptcy and the hearing was continued according to ORS 86.755(6), and on September 20, 1985, an order was entered dismissing the Bankruptcy, at which time the new date and time was set, as shown below. 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: Monthly installments of principal and interest due for the months of September through December of 1982, January through December of 1983, January through December of 1984, and January through October of 1985 in the amount of \$80.35 each; and subsequent installments of like amounts; subsequent amounts for assessments due under the terms and provisions of the Note and Deed of Trust.

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:
\$4,922.36 plus interest and late charges thereon from September of 1982 at the rate of EIGHT AND ONE HALF (8.5%) PER CERT per annum until paid and all sums expended by the Beneficiary pursuant to the terms and provisions of the Note and Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee will on November 12, 1985, at the hour of 10:00 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at ASPEN TITLE & ESCROW, INC., 600 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 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 October 21, 1985

ASPEN TITLE & ESCROW, INC.

Successor Trustee

State of Oregon, County of Klamath

I, the undersigned, certify that I am the Assistant Secretary for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Assistant Secretary XXXXX 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:

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 8th day of November A.D., 1985 at 3:18 o'clock P M., and duly recorded in Vol. M85 of Mortgages on Page 18220

FEE \$9.00

Evelyn Biehn County Clerk
By [Signature]