

57118

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Multnomah

Vol. 181 Page 517

I, William Larkins, Jr.

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

Bill E. Chapman

45338 N 180th E  
Lancaster, CA 93535

Darlene O. Chapman

45338 N 180th E  
Lancaster, CA 93535

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 September 3, 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 3rd day of September, 1985.

(SEAL)

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

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

Publisher's Note: Original notices 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

Chapman

Grantor

TO

Transamerica Title

Trustee

AFTER RECORDING RETURN TO

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

DO NOT USE THIS SPACE RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED

STATE OF OREGON,

County of

I certify that the within instrument was received for record on the day of 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

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

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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)

PROPERTY ADDRESS

Occupants

Route 4, Box 588  
Chiloquin, Oregon 97634

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 September 12, 1985, 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.

*Wm Larkins, Jr.*  
(Attorney for) Trustee

Subscribed and sworn to before me this 3rd day of September, 1985

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

(SEAL) CLIC

Pursuant to ORCP 7D (2) and 7D (3), 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  
Chapman

Grantor

Transamerica Title

Trustee

AFTER RECORDING RETURN TO

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

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.

NAME

TITLE

By

Deputy

SPACE RESERVED  
FOR  
RECORDER'S USE

# SHERIFF'S RETURN OF SERVICE

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STATE OF OREGON )

Court Case No. \_\_\_\_\_

) ss.  
County of Klamath )

Sheriff's Case No. 85-2690

I hereby certify that I received on September 4, 1985 the within:

- ( ) Summons & Complaint ( ) Summons & Petition ( ) Summons ( ) Complaint ( ) Petition  
( ) Subpoena ( ) Citation ( ) Order ( ) Motion ( ) Affidavit  
( ) Small Claim ( ) Restraining Order ( ) Order for Appearance of Judgement Debtor  
( ) Writ of Garnishment ( ) Order to Show Cause ( ) Order Waiving Fees and Costs

(x) Trustee's Notice of Sale

for service on the within named: Occupants, Rt. 4, Box 588, Chiloquin, OR 97624

( ) 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 \_\_\_\_\_

(x) NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find  
the within named: No occupants, house empty. within Klamath County.

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

DATE AND TIME OF SERVICE OR NOT FOUND: September 9, 1985 10:22 a.m.

TOM DURYEE, Sheriff  
Klamath County, Oregon

By Jean E Harrison Deputy

TRUSTEE'S NOTICE OF SALE

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Reference is made to that certain trust deed made by Bill E. Chapman and Darlene U. Chapman, husband and wife as grantor, to Transamerica Title Insurance Company as trustee, in favor of Town and Country Mortgage, Inc. as beneficiary, dated November 22, 1983, recorded November 23, 1983, in the mortgage records of Klamath County, Oregon, in book/Instrument No. M-83, at page 20131, fee/file/instrument/microfilm/reception No. (indicate which), covering the following described real property situated in said county and state, to-wit:

That portion of the East 330 feet of Government Lot 2, that lies Northeastly of Sprague River Highway and the East 330 feet of the South one-half of Government Lot 1, in Section 19, Township 35 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of 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: Delinquent monthly installments of \$719.00 each, due April 1, 1985 through August 1, 1985; plus monthly late charges of \$28.76 each, due April 16, 1985 through July 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 \$59,744.91, plus interest thereon at the rate of 12.5% per annum from March 2, 1985 until paid; plus late charges totalling \$115.04; less a reserve balance of \$176.00.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 10, 1986, at the hour of 9:30 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at The front steps of the 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 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 September 3, 1985

*William Larkins, Jr.*  
William Larkins, Jr.

State of Oregon, County of Multnomah

ss:

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.

~~REMOVED~~ William Larkins, Jr.  
3100 First Interstate Tower  
Portland, Oregon 97201  
(503) 221-0550

STATE OF OREGON COUNTY OF KLAMATH ss

Filed for record at request of \_\_\_\_\_ of \_\_\_\_\_ January \_\_\_\_\_ A.D. 19 86 at 1:00 o'clock P.M. and duly recorded in Vol. 236 on Page 517

FEE \$17.00

Evelyn Biehn, County Clerk

By

*[Signature]*