

57730

Vol. 1480 Page 1581

STATE OF OREGON, County of Klamath

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

I, William L. Sisemore, ss:

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:

Craig L. Emmett  
Mary Anne Emmett  
Mary Anne Vavrick  
Bertram N. Carvalho, Jr., Trustee  
Janet Carvalho, Trustee

1031 Eldorado, Klamath Falls, Or. 97601  
1031 Eldorado, Klamath Falls, Or. 97601  
120 Nelson Ct., Barboursville, W. Va. 25504  
2024 Hawkhurst Circle, Sun City Center, Florida 33570  
2024 Hawkhurst Circle, Sun City Center, Florida 33570

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 September 20, 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 20th day of September, 1985

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

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

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 COUNTIES WHERE USED.)

STATE OF OREGON,

County of

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. 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

TRUSTEE'S NOTICE OF SALE

1582

Reference is made to that certain trust deed made by WILLIAM SISEMORE, as grantor, to  
in favor of KLAMATH FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION, as trustee,  
dated July 15, 1981, recorded July 16, 1981, in the mortgage records of  
Klamath County, Oregon, in book M81 at page 12778,  
property situated in said county and state, to-wit: (Indicate volume and page covering the following described real

Lot 14 in Block 35, HOT SPRINGS 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:

\$730.00 due on March 1, 1985; and a like amount due on the 1st 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:

\$47,586.37, plus interest from February 1, 1985, and late charges.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 30, 1986,  
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 St., 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 obli-  
gation, 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 20, 1985

State of Oregon, County of Klamath

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.

Trustee

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.

STATE OF OREGON

PROOF OF SERVICE  
KLAMATH

1583

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:

Upon CRAIG L. EMMETT  
at 1031 ELDORADO, KLAMATH FALLS, ORE., by delivering such true copy to him/her, personally and in person,  
on SEPT. 26, 1985, at 6:36 o'clock P.M.  
by delivering such true copy to him/her, personally and in person,  
on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.

Substituted Service Upon Individual(s)  
Upon \_\_\_\_\_, by delivering such true copy at his/her dwelling house  
or usual place of abode, to-wit: \_\_\_\_\_, 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.  
by delivering such true copy at his/her dwelling house  
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 \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.  
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 (NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.)  
(a) delivering such true copy, personally and in person, to \_\_\_\_\_, by  
\* \_\_\_\_\_ thereof; OR  
(b) leaving such true copy with \_\_\_\_\_, who is a/the \*  
office of \_\_\_\_\_, the person who is apparently in charge of the  
\* Specify registered agent, officer (by title), director, general partner, managing agent. \_\_\_\_\_ thereof;  
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 \_\_\_\_\_, who is the  
office of \_\_\_\_\_, the person who is apparently in charge of the  
\* Specify director, managing agent, clerk, secretary \_\_\_\_\_ thereof;  
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  
\_\_\_\_\_ on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.  
the person who is apparently in charge of the district attorney's office.

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\_\_\_\_.

(SEAL)

Notary Public for Oregon  
My commission expires \_\_\_\_\_

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**

**\$5.**

**1584**

**(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 \_\_\_\_\_

#372 Trustees Sale-Emmett

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

~~XXXXXXXXXXXXXXXXXXXX~~

(4 insertion s) in the following issue s: \_\_\_\_\_

Dec. 5, 1985

Dec. 12, 1985

Dec. 19, 1985

Dec. 26, 1985

Total Cost: \$226.12

Sarah L. Parsons

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

*Leta Barker*  
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 CRAIG L. EMMETT and MARY ANNE EMMETT as grantor, to WILLIAM SISEMORE as trustee, in favor of KLAMATH FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION, as beneficiary, dated July 15, 1981, recorded July 16, 1981, in the mortgage book No. 108, at page 12778 covering the following described real property situated in said county of Klamath, Oregon:

**LOT 14 IN BLOCK 430 HOT SPRINGS 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, 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:

\$730 due on March 1, 1985, and a like amount due on the 1st 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 to wit: said sums being the following:

\$67,364.40 principal amount from February 1, 1985 and late charges to said date, and

WHEREFORE, notice hereby is given that the undersigned trustee will on January 23, 1986, 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 St., 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, after 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 deed foreclosure proceeding dismissed and the trust 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, to have capable of being cured by Klamath Falls Trust Deed, and in addition to pay the costs of conducting the sale and the performance of the said obligations.

STATE OF OREGON,  
County of Klamath ss.

Filed for record at request of:

on this 29th day of Jan. A.D., 19 86  
at 3:45 o'clock P. M. and duly recorded  
in Vol. N86 of Ntges. Page 1581  
Evelyn Biehn,  
County Clerk

Fee, \$17.00

Deputy.