

OC 57924

## TRUSTEE'S NOTICE OF SALE

Vol. 386 Page 2140

Reference is made to that certain trust deed made by JAMES STEPHEN COX and CECILIA EILEEN COX,  
husband and wife, \_\_\_\_\_, as grantor, to  
WILLIAM SISEMORE \_\_\_\_\_, as trustee,  
in favor of KLAMATH FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION \_\_\_\_\_, as beneficiary,  
dated September 14, 1978, recorded September 15, 1978, in the mortgage records of  
Klamath County, Oregon, in book/real estate No. M78 at page 20446,  
~~book/trust deed and book/real estate No. \_\_\_\_\_~~ (indicate which), covering the following described real  
property situated in said county and state, to-wit:

Lot 18, Block 10, TRACT NO. 1064-FIRST ADDITION TO GATEWOOD, 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:***

\$537.00 due on February 25, 1985, and a like amount due on the 25th 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:*

\$49,107.76, plus interest and late charges.

WHEREFORE, notice hereby is given that the undersigned trustee will on ..... December 30, 1985, 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 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** ..... **August 20** ..... **1985** .....

William L. Sisemore

**Trustee**

State of Oregon, County of Klamath ss:

*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:**

## PROOF OF SERVICE

STATE OF Oregon, County of Klamath ss.

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:

## Personal Service Upon Individual(s)

Upon James Hicks, by delivering such true copy to him/her, personally and in person,  
at 5453 Glennwood Dr., Klamath Falls, Ore., on August 26, 1985, at 1:37 o'clock P.M.  
Upon Sonja Hicks, by delivering such true copy to him/her, personally and in person,  
at 5453 Glennwood Dr., Klamath Falls, Ore., on August 26, 1985, at 1:37 o'clock P.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  
to \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.  
age of 14 years and a member of the household of the person served on \_\_\_\_\_, by delivering such true copy at his/her dwelling house

Upon \_\_\_\_\_, by delivering such true copy at his/her dwelling house  
or usual place of abode, to-wit: \_\_\_\_\_, who is a person over the  
to \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.  
age of 14 years and a member of the household of the person served on \_\_\_\_\_

## Office Service Upon Individual(s)

Upon \_\_\_\_\_, at the office which he/she maintains for the conduct of  
business at \_\_\_\_\_, the person who  
by leaving such true copy with \_\_\_\_\_, 19\_\_\_\_, during normal working hours, at to-wit: \_\_\_\_\_ o'clock, \_\_\_\_M.  
is apparently in charge, on \_\_\_\_\_

Service on Corporations, Limited Partnerships or Unincorporated Associations Subject to Suit Under a Common Name

Upon \_\_\_\_\_, by  
(NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.) \_\_\_\_\_ who is a/the

(a) delivering such true copy, personally and in person, to \_\_\_\_\_ 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.

at \_\_\_\_\_, 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

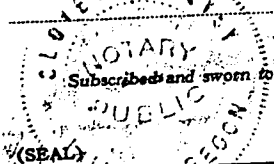
Upon \_\_\_\_\_, by  
(a) serving such true copy, personally and in person on \_\_\_\_\_, who is the  
\* \_\_\_\_\_, thereof, OR  
(b) leaving such true copy with \_\_\_\_\_, the person who is apparently in charge of the  
office of \_\_\_\_\_, who is a/the \* \_\_\_\_\_ thereof;

at \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.  
\* Specify director, managing agent, clerk, secretary  
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.

at \_\_\_\_\_  
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 27<sup>th</sup> day of \_\_\_\_\_

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

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 MAILING TRUSTEE'S NOTICE OF SALE

2142

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

James Stephen Cox  
 Cecilia Eileen Fox  
 Transamerica Financial Services

1220 S. W. Oak, Grants Pass, Or. 97526  
 1220 S. W. Oak, Grants Pass, Or. 97526  
 707 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,

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 August 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 20<sup>th</sup> day of August, 1985.

(SEAL)

John M. Farvey  
 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 \_\_\_\_\_ } 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

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

2143

In re JAMES STEPHEN COX  
CECILIA EILEEN COX

Case No. 685-08556-W 7

NON-JUDICIAL RELIEF  
FROM THE AUTOMATIC STAY  
OF 11 U.S.C. §362(a)

Debtor(s).

The following creditor has a purchase money security interest or a perfected security interest in the following property; there appears to be no equity in the property for the estate, and the debtor(s) do not object to relief from the stay as to the property; therefore,

The trustee hereby authorizes non-judicial relief from the automatic stay as to the specific property named below and the creditor may foreclose the security interest as provided in the security agreement or applicable law provided, however, the creditor shall account to the trustee for any surplus over the balance due which may be realized upon foreclosure.

Name of Creditor: Klamath First Federal Savings and Loan Association

Property Released: Lot 18, Block 10, Tract No. 1064-First Addition to Gatewood, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

DATED: October 31, 1985



Trustee

Trustee Bankruptcy  
Gordon C. York, Inc.  
President

Debtor/Debtor's Attorney\*

\*The debtor or attorney's signature may be required by the trustee.

OC

AMENDED  
TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by JAMES STEPHEN COX and CECILIA EILEEN COX, as grantor, to husband and wife WILLIAM SISEMORE, as trustee, in favor of KLAMATH FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION, as beneficiary, dated September 14, 1978, recorded September 15, 1978, in the mortgage records of Klamath County, Oregon, in book/entry/plate No. M78, at page 20446, covering the following described real property situated in said county and state, to-wit:

Lot 18, Block 10, TRACT NO. 1064—FIRST ADDITION TO GATEWOOD, 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:

\$537.00 due on February 25, 1985, and a like amount due on the 25th 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:

\$49,107.76, plus interest and late charges.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 6, 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 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 December 19, 1985.

William S. Sismore

Trustee

The original date of sale set for December 30, 1985, has been continued due to the automatic stay by proceedings in bankruptcy court. The subject property has been released from the stay by the bankruptcy trustee order dated October 31, 1985.

State of Oregon, County of Klamath ss:

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

# Affidavit of Publication

2145

STATE OF OREGON,  
COUNTY OF KLAMATH

35.

(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

#432 Trustees Sale-Cox

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

~~times~~ times ~~per week~~ per week ~~day~~ day

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

Dec. 24, 1985

Dec. 31, 1985

Jan. 7, 1986

Jan. 14, 1986

Total Cost: \$252.72

Sarah L. Parsons

Subscribed and sworn to before me this 14  
day of January 1986

Lita Backa  
Notary Public of Oregon

My commission expires Jan 15 1986

**AMENDED NOTICE OF SALE**  
Reference is made to the certain trust deed made by JAMES STEPHEN COX and CECILIA ELLEN COX husband and wife, as grantor, to WILLIAM L. STIGMORE, as trustee, in favor of KLAMATH FIRST FEDERAC SAVINGS AND LOAN ASSOCIATION, as beneficiary, dated September 14, 1978, recorded September 25, 1978, in the mortgage records of Klamath County, Oregon, in book No. M78 at page 2884, covering the following described real property situated in said county and state, to-wit: LOT 18, BLOCK 10, TRACT NO. 1064 FIRST ADDITION TO GATEWOOD, 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 86.753(3) of Oregon Revised Statutes, the default for which the foreclosure is made, grantor's failure to pay when due the following sums: \$537.00 due on February 25, 1985; and a like amount due on the 25th 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: \$49,107.26 plus interest and late charges. WHEREFORE, notice hereby is given that the undersigned trustee will on February 6, 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 with the principal amount not then due) of the said debt secured by said trust deed, and to pay the costs and expenses of said reinstatement herein stated.

capable of being cured by tendering the performance required under the obligation of said 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. A MALE D-18 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 December 19, 1985—William L. Stigmore Trustee The original date of sale set for December 30, 1985, has been continued due to the automatic stay by proceedings in bankruptcy court. The subject property has been released from the stay by the bankruptcy trustee order dated October 31, 1985. #432 Dec. 24, 31, 1985, Jan. 7, 14, 1986

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF OREGON, County of Klamath, ss:

2146

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  
James Stephen Cox  
Cecilia Eileen Cox  
Transamerica Financial Services  
James Hicks  
Sonja Hicks

ADDRESS  
1220 S. W. Oak, Grants Pass, Or. 97526  
1220 S. W. Oak, Grants Pass, Or. 97526  
707 Main St., Klamath Falls, Or. 97601  
5453 Glenwood Dr., Klamath Falls, Or. 97603  
5453 Glenwood Dr., Klamath Falls, Or. 97603

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 December 19, 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 19th day of December, 1985.

(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 COUNTIES WHERE USED.)

STATE OF OREGON,  
County of Klamath } ss.

I certify that the within instrument was received for record on the 4th day of February, 1986, at 2:57 o'clock P.M., and recorded in book/reel/volume No. MB6 on page 2140 or as fee/file/instrument/microfilm/reception No. 57924, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk  
By Bernetha J. Helich Deputy

Fee \$29.00