

58355

TRUSTEE'S NOTICE OF SALE

Vol. 1986 Page 2846

Reference is made to that certain trust deed made by MICHELE S. IRVING, a single woman,

WILLIAM SISEMORE

in favor of KLAMATH FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION, as grantor, to
 dated May 18, 1983, recorded May 18, 1983, in the mortgage records of
 Klamath County, Oregon, in book No. M83 at page 7787,
 as the instrument of sale, covering the following described real
 property situated in said county and state, to-wit:

A portion of that tract of real property recorded in Vol. 332, page 515, Deed Records of Klamath County, Oregon, described therein as being in the NE 1/4 of Section 9, Township 39 South, Range 10 East of the Willamette Meridian, said portion of aforesaid tract being more particularly described as follows:
 Beginning at the Northwest corner of said tract, which corner bears South 988.53 feet and West 1281.83 feet from the quarter section corner common to Sections 4 and 9, Township 39 South, Range 10 East of the Willamette Meridian; thence North 89°55' East (reverse side) 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:

\$550.00 due on April 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:

\$53,944.95, plus interest and late charges.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 18, 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 Street, Klamath Falls, Klamath County, 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 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 7, 1985

William J. Lism
 Trustee

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.

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:

Attorney for said Trustee

03 FEB 19 1986

ck
21

0185

STATE OF CALIFORNIA

2847

along the North boundary of said tract a distance of 433.10 feet to the true point of beginning; thence continuing North $89^{\circ}55'$ East along same boundary 192.00 feet to the Northeast corner of said tract; thence South $0^{\circ}06'$ West along the East boundary of same a distance of 336.65 feet to the Southeast corner thereof; thence North $89^{\circ}30'$ West along the South boundary of same tract a distance of 191.95 feet, more or less, to a point which bears South $0^{\circ}06'$ West from the true point of beginning; thence North $0^{\circ}06'$ East 334.72 feet to the true point of beginning.

The above described premises are situated in the County of Santa Clara, State of California, and are more particularly described in the accompanying plat of said premises, which is on file in the office of the County Clerk of said County, and is hereby referred to and made a part hereof.

Witness my hand and the seal of said County, this 1st day of January, 1901.

County Clerk

Subscribed and sworn to before me this 1st day of January, 1901.

Notary Public

PROOF OF SERVICE

28489

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 herein after 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 DAVID BATSELL, by delivering such true copy to him/her, personally and in person, at 2363 Pine Grove Rd., Klamath Falls, Ore, on October 13, 1985, at 7:32 o'clock P.M.
Upon TAMMY BATSELL, by delivering such true copy to him/her, personally and in person, at 2363 Pine Grove Rd., Klamath Falls, Ore, on October 13, 1985, at 7:32 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 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: _____, 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 _____, 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 _____, 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;

* Specify director, managing agent, clerk, secretary

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

FURTHER, it 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,

at _____, 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 15th day of _____, 1985

(SEAL)

Notary Public for Oregon

My commission expires _____

3710 Madison

Klamath Falls, Or

882-6754

9760

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

2849

STATE OF OREGON,
COUNTY OF KLAMATH

55.

(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

#131 Trustees Sale- Irving

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

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

Dec. 27, 1985

Jan. 3, 1986

Jan. 10, 1986

Jan. 17, 1986

Total Cost: \$279.32

Sarah L. Parsons

Subscribed and sworn to before me this 17
day of January 1986

John Backs
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 MICHELE S. IRVING, a single woman, as grantor, to WILLIAM SISEMORE, as trustee, in favor of KLAMATH FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION, as beneficiary, dated May 18, 1983, recorded May 18, 1983, in the mortgage records of Klamath County, Oregon in volume No. M83 at page 7787, covering the following described real property situated in said county and state, to-wit:

A portion of that tract of real property recorded in Vol. 332, page 515, Deed Records of Klamath County, Oregon, described therein as

being in the NE1/4 of Section 9, Township 39 South, Range 10 East of the Willamette Meridian, said portion of aforesaid tract being more particularly described as follows:
Beginning at the Northwest corner of said tract, which corner bears South 98.53 feet and West 1281.83 feet from the quarter section corner common to Sections 4 and 9, Township 39 South, Range 10 East of the Willamette Meridian; thence North 89°55' East along the North boundary of said tract a distance of 433.10 feet to the true point of beginning; thence continuing North 89°55' East along same boundary 192.00 feet to the Northeast corner of said tract; thence South 0°06' West along the East boundary of same a distance of 336.65 feet to the Southeast corner thereof; thence North 89°20' West along the South boundary of same tract a distance of 91.95 feet, more or less, to a point which bears South 0°06' West from the true point of beginning; thence North 0°06' East 334.72 feet to the true point of beginning.

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:

\$550.00 due on April 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:
\$33,944.75 plus interest and late charges.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 18, 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 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 7, 1985
William L. Sisemore
Trustee
#431 Dec. 27, 1985 Jan. 3, 10, 17, 1986

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Klamath, ss:

2850

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

Michele S. Irving

3306 So. Pacific Highway, #38
Medford, Or. 97501

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 October 7, 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 9th day of October, 19 85.

William L. Sisemore

Clara M. Fahey

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 Street

Klamath Falls, Or. 97601

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

STATE OF OREGON, } ss.
County of Klamath

I certify that the within instrument was received for record on the 18th day of February, 19 86, at 2:06 o'clock P.M., and recorded in book/reel/volume No. M86 on page 2846 or as fee/file/instrument/microfilm/reception No. 58355, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk
By Berntha Helto, Deputy

Fee \$21.00