

59405

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

Vol. 148 Page 4663

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

Highland Community Federal Credit Union

3737 Shasta Way,
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 November 14, 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.

William L. Sisemore

Subscribed and sworn to before me this 14th day of November, 1985

(SEAL)

Clous M. Falvey
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

PROOF OF SERVICE

4664

STATE OF OREGON, County of Klamath

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 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 SANDRA G. WAITS, by delivering such true copy to him/her, personally and in person, at 5328 Summit, Klamath Falls, Ore., on Nov. 18, 1985, at 10:56 o'clock A.M.

Upon _____, by delivering such true copy to him/her, personally and in person, at _____, 19____, at _____ o'clock ____M.

Substituted Service Upon Individual(s)

Upon ROBERT D. WAITS, by delivering such true copy at his/her dwelling house or usual place of abode, to-wit: 5328 Summit, Klamath Falls, Ore., who is a person over the

age of 14 years and a member of the household of the person served on Nov., 18, 1985, at 10:56 o'clock A.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.)

(a) delivering such true copy, personally and in person, to _____ who is a/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 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 _____, 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, 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,

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 19th day of _____, 1985

Notary Public for Oregon
My commission expires _____

TED L. LINDOW
Legal Investigations

710 Madison

Klamath Falls, OR 97601

503-88-6756

(SEAL)

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.

1 STATE OF OREGON)
 2) SS
 3 County of Klamath)

4 I, WILLIAM L. SISEMORE, certify that I am attorney for Klamath First Federal
 5 Savings and Loan Association, Beneficiary under that certain Trust Deed recorded
 6 in Vol. 1977, at page 24159, Records of Klamath County, Oregon, wherein Robert D.
 7 Waits and Sandra G. Waits, husband and wife, are Grantors, and William Sisemore
 8 is Trustee: I served a true and correct copy of Trustee's Notice of Default and
 9 Election to Sell and of Sale, certified to as such copy by me, together with
 10 notice of substitute service, copy of which is attached hereto, in a sealed
 11 envelope, plainly addressed to Robert D. Waits, 5328 Summit, Klamath Falls,
 12 Or. 97603, with postage fully prepaid, and deposited the same in the U. S.
 13 Mail at Klamath Falls, Oregon, on November 19, 1985.

William L. Sisemore
 William L. Sisemore
 Attorney for Klamath First Federal
 Savings and Loan Association

14
 15 Subscribed and Sworn to before me this 19th day of November, 1985.

Carol M. Fahey
 Notary Public for Oregon

16
 17 (SEAL)
 18 My Commission Expires: 2-5-85
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 25
 26

WILLIAM L. SISEMORE
 Attorney at Law
 540 Main Street
 Klamath Falls, Ore.
 97601

503/882-7227

WILLIAM L. SISEMORE
ATTORNEY AT LAW
500 MAIN STREET
FIRST FEDERAL BUILDING
KLAMATH FALLS, OREGON 97601-4067

4666

TELEPHONE
AREA CODE 503
862-7229

November 19, 1985

Robert D. Waits
5328 Summit
Klamath Falls, Or. 97601

Dear Mr. Waits:

Enclosed find a certified copy of Trustee's Notice of Default and Election to Sell and of Sale. You have previously been served, by substitute service on Sandra G. Waits, a person over the age of 14 years of age who resides at your place of abode, on November 18, 1985, at 10:56 a.m.

Very truly yours,

William L. Sisemore

William L. Sisemore

WLS/f
encl.

Affidavit of Publication

4667

STATE OF OREGON,
COUNTY OF KLAMATH

(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

#110 Trustee's Sale-Waits

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

successive and consecutive week s day s,
(4 insertion s) in the following issue s:

Dec. 20, 1985

Dec. 27, 1985

Jan. 3, 1986

Jan. 10, 1986

Total Cost: \$172.92

Sarah L. Parsons

Subscribed and sworn to before me this 10
day of JANUARY 1986

[Signature]
Notary Public of Oregon

My commission expires June 15, 1986

**TRUSTEE'S NOTICE OF DEFAULT
IN TRUST AND NOTICE OF SALE**
Reference is made to that Trust Deed wherein
ROBERT O. WAITS and SANDRA G. WAITS,
Grantor and J. H. Granberg, WILLIAM
BENMORE, JR., Trustee and KLAMATH
FALLS FEDERAL SAVINGS AND LOAN
ASSOCIATION, Inc., Beneficiary, recorded in
Declaratory Judgment, Vol. 1477, Page
148, Klamath County, Oregon, covering the
following described real property in Klamath
County, Oregon:
A portion of Lot 4, SUMMER HEIGHTS,
pertaining to the Official plat thereof on file in
the office of the County Clerk of Klamath
County, Oregon, more particularly described
as follows:
Beginning at the Northwest corner of said Lot
4, thence South along the Western boundary of
said Lot 4, 10 feet to a point, thence
Northwesterly 100 feet to the Eastern line of
said Lot 4, said Lot 4 being 12 feet South of the
Northwest corner of said Lot 4, thence North 12
feet to the Northern line of Lot 4, thence West
to the center of said Lot 4;
AS BEING 100 feet North with the W/4 of vacated
Section Street SUMMER HEIGHTS, ac-
cording to the Official plat thereof on file in the
office of the County Clerk of Klamath County,
Oregon.
No action is being brought to recover any part of the
defunct trust's indebtedness.
The said trust is created by the trust deed is in
default, as the Grantor has failed to pay the
monthly payments of \$100.00 on May 15, 1985, and a late amount
due on May 15, 1985, each month's the matter.
The sum owing on the obligation secured by the
trust deed is:
\$1,112.00 principal and late charges
plus interest, late, attorney's fees, foreclosure
costs and any sums advanced by beneficiary
pursuant to the terms of said trust deed.
Beneficiary has and does elect to sell the
property to satisfy the obligation pursuant to
ORS 86.04 to 86.15.
The property will be sold as provided by law on
Monday, January 14, 1986, at 10:00 a.m. based on
standard fee time established by ORS 187.110 at
Room 204, 204 Main Street, Klamath Falls,
Klamath County, Oregon.
Interested persons are notified: (1) the right
under ORS 86.04 to have this proceeding
dismissed and the trust deed reinstated by
payment of the entire amount then due, other
than sums previously paid or then due had
not interest, principal, together with costs,
attorney's fees and other fees, are by curing
the default and paying the sum of the notice,
and (2) the right to have the sale date
postponed.
Witness my hand and seal this 10th day
of January, 1986.
J. H. Granberg, Trustee
J. H. Granberg, Trustee