

59791

K-30162

TRUSTEE'S NOTICE OF SALE

Vol. 1480 Page 5447



Reference is made to that certain trust deed made by Mildred R. Swansen, an unmarried person,  
Transamerica Title Insurance Services, as grantor, to  
Peoples Mortgage Company, as trustee,  
 dated November 13, 1978, recorded November 17, 1978, in the mortgage records of  
Klamath County, Oregon, in book 1480 page No. M-78, at page 26017,  
 dec./file/instrument/microfilm/reception No. \_\_\_\_\_ (indicate which), covering the following described real  
 property situated in said county and state, to-wit:

The Northwesterly 40 feet of Lots 7 and 8 in Block 61 of Nichols Addition to the City of Klamath Falls, Oregon, according to the official plat thereof on file in the office of the County Clerk, Klamath Falls, Oregon. EXCEPTING THEREFROM that portion conveyed to the United States of America for canal purposes by instrument dated April 23, 1906, recorded May 1, 1906 in Book 20 at page 80 Deed Records 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:  
 Delinquent monthly installments of \$358.00 each due June 1, 1985 through November 1, 1985; plus late charges of \$14.32 each due June 16, 1986, through October 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 \$31,664.88, plus interest thereon at the rate of 9.50% per annum from May 2, 1985 until paid; plus late charges of \$71.60; less a reserve balance of \$190.77.

WHEREFORE, notice hereby is given that the undersigned trustee will on April 4, 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 Klamath 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 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 permitted 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 November 11, 1985.

William Larkins, Jr.  
 Trustee

State of Oregon, County of Multnomah

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 86.745 or ORS 86.746, fill in opposite the name and address of party to be served.

205434: William Larkins, Jr.  
 2300 First Interstate Tower  
 Portland, Oregon 97201  
 (503) 241-2300

5448

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

**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

Mildred R. Swansen/Occupant(s)

634 N. 11th Street  
Klamath Falls, Oregon 97601

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 December 5, 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.

An used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

William Larkins  
(Attorney for) Trustee

Subscribed and sworn to before me this 13<sup>th</sup> day of November, 1985.

(SEAL)

Christine E. Kephart  
Notary Public for Oregon. My commission expires: 4/6/89

**FURNISHING'S NOTE:** 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 86.710(1))

NR: Trust Deed from  
Swansen

Grantor

TO

Transamerica Title

Trustee

AFTER RECORDING RETURN TO

William Larkins, Jr.  
2300 First Interstate Tower  
Portland, Oregon 97201

SPACE IS SERVED

FOR

RECORDING USE

**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/tile/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

STATE OF \_\_\_\_\_, County of \_\_\_\_\_ ss.

5449

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 \_\_\_\_\_, by delivering such true copy to him/her, personally and in person, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.

Upon \_\_\_\_\_, 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.

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 \_\_\_\_\_, by delivering 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 \_\_\_\_\_, by \_\_\_\_\_, who is a/the \_\_\_\_\_ thereof; OR

(a) delivering such true copy, personally and in person, to \_\_\_\_\_, the person who is apparently in charge of the office of \_\_\_\_\_, 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; or

Specify registered agent, officer (by title), director, general partner, managing agent, \_\_\_\_\_, 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.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(SEAL)

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

**PUBLISHER'S NOTE:** ORS 84.240(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.

## SHERIFF'S RETURN OF SERVICE

STATE OF OREGON )  
 ) ss.  
 County of Klamath )

Court Case No. \_\_\_\_\_  
 Sheriff's Case No. 85-3524

I hereby certify that I received on November 15, 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) TRUSTEES NOTICE OF SALE (Book No. M-78, at page 26017)

for service on the within named: Mildred R. Swansen and/or Occupants of 634 N. 11th St.,  
Klamath Falls, Oregon

( ) 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: Mildred R. Swansen (House appears to be empty) within Klamath County.  
(Snow has no marks and can see no furniture)

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

DATE AND TIME OF SERVICE OR NOT FOUND: November 18, 1985, 9:20a.m.


TOM DURYEE, Sheriff  
 Klamath County, Oregon

By

Joan E. Hansen

Deputy

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**  
STATE OF OREGON, County of Multnomah, ss:

**5451** 

I. William Larkins, Jr., 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  
Pacific Power & Light  
c/o Mr. Sam Witters

ADDRESS

920 S.W. Sixth Avenue  
Portland, Oregon 97204

Ms. Mildred Swansen

634 N. 11th Street  
Klamath Falls, Oregon 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 whom 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.

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 November 13, 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 corporations and any other legal or commercial entity.

Subscribed and sworn to before me this 13th day of November, 1985.

(SEAL) CLIC

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

\* Note that this form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.

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

RE: Trust Deed from  
Swansen

Grantor

TO  
Transamerica Title

Trustee

AFTER RECORDING RETURN TO

William Larkins, Jr.  
2300 First Interstate Tower  
Portland, Oregon 97201

Fee:  
\$21.00

STATE OF OREGON,  
County of Klamath } ss.

I certify that the within instrument was received for record on the 2nd day of April, 1986 at 1:43 o'clock P. M., and recorded in book/rec/volume No. 186 on page 5447 or as fee/file/instrument/microfilm/reception No. 59791, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

By Mr. Smith Deputy

LEAVE THIS SPACE RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED