

NOTICE No. 1171—AFFIDAVIT BY SERVICE PER ORS 86.740—Trust Deed Sale.

59800

INSTRUCTIONS FOR SERVICE OF TRUSTEE'S NOTICE OF SALE PURSUANT TO ORS 86.740 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 Lane } 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 following persons:

| NAME OF PERSON TO BE SERVED | ADDRESS |
|-------------------------------|--|
| Elden R. Kollmar | 1423 Dayton, Klamath Falls, OR 97601 |
| Carie D. Kollmar | 2141 Gary Street, Klamath Falls, OR 97601 |
| Donald V. Philpott | Hildebrand Rd. & Market, Bonanza, OR 97623 |
| Ruth A. Philpott | Hildebrand Rd. & Market, Bonanza, OR 97623 |
| D. L. Hoots, Attorney at Law | 2261 S. 6th, Klamath Falls, OR 97601 |
| Enver Bozgoz, Attorney at Law | 1135 Pine, 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.

Service should be made by December 22, 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, but it appears that it is possible to effect service upon the above named person, persist in making service until it has been accomplished.

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

William S. Wiley
(Attorney for) Trustee

Subscribed and sworn to before this 25th day of November, 1985.

Dorinda M. Millard
Notary Public for Oregon

My commission expires: 8/16/86

(SEAL)

PUBLISHER'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 OF TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from
Elden R. Kollmar and
Carie D. Kollmar

Grantor

TO

Transamerica Title Insurance
Company

Trustee

AFTER RECORDING RETURN TO

William S. Wiley
Attorney at Law
P. O. Box 1147
Eugene, OR 97440

SPACE RESERVED
FOR
RECORDER'S 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/file/instrument/microfilm/reception No. _____, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____ Deputy

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

5470

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:

STATE OF OREGON

County of _____ Lane } 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

Tenants in Possession

1423 Dayton, Klamath Falls, OR 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 22, 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.

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

William S. Wiley
(Attorney for) Trustee

Subscribed and sworn to before me this 25th day of November, 1985.

(SEAL)

Deanna M. Milward
Notary Public for Oregon. My commission expires: 8/16/86

PUBLISHER'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 86.750(1))

RE: Trust Deed from
Elden R. Kollmar and
Carie D. Kollmar

Grantor

TO

Transamerica Title Insurance
Company

Trustee

AFTER RECORDING RETURN TO

William S. Wiley
Attorney at Law
P. O. Box 1147
Eugene, OR 97440

SPACE RESERVED
FOR
RECORDER'S 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/file/instrument/microfilm/reception No. _____, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By

Deputy

SHERIFF'S RETURN OF SERVICE

5471

STATE OF OREGON)
County of Klamath) ss.

Court Case No. _____

Sheriff's Case No. 85-3676

I hereby certify that I received on November 27, 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) TRUSTEE'S NOTICE OF SALE

for service on the within named: Eldon R. Kollmar

(X) SERVED Eldon R. Kollmar personally and in person.
at 1423 Dayton, Klamath Falls, OR 97603

() 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 _____

() NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find
the within named: _____ within Klamath County.

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

DATE AND TIME OF SERVICE OR NOT FOUND: December 2, 1985 10:30 a.m.

TOM DURYEE, Sheriff
Klamath County, Oregon

By Jean E. Nelson Deputy

SHERIFF'S RETURN OF SERVICE

STATE OF OREGON)
) ss.
 County of Klamath)

Court Case No. _____

Sheriff's Case No. 85-3676

I hereby certify that I received on _____ November 27, 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) TRUSTEE'S NOTICE OF SALEfor service on the within named: Carie D. Kollmar

(x) SERVED Carie D. Kollmar personally and in person.
 at 2141 Gary St., Klamath Falls, OR 97603

() 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 _____

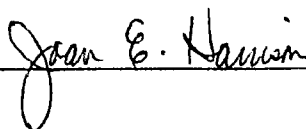
() NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find
 the within named: _____ within Klamath County.

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

DATE AND TIME OF SERVICE OR NOT FOUND: December 2, 1985 10:35 a.m.

TOM DURYEE, Sheriff
 Klamath County, Oregon

By



Deputy

SHERIFF'S RETURN OF SERVICE

5473

STATE OF OREGON)

) ss.

County of Klamath)

Court Case No. _____

Sheriff's Case No. 85-3676

I hereby certify that I received on November 27, 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) TRUSTEE'S NOTICE OF SALE

for service on the within named: Donald V. Philpott
 (X) SERVED Donald V. Philpott personally and in person.
 at Rt. 1, Box 243, Bonanza, OR 97623

() 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 _____

() NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find
 the within named: _____ within Klamath County.

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

DATE AND TIME OF SERVICE OR NOT FOUND: December 3, 1985 3:00 p.m.

TOM DURYEE, Sheriff
 Klamath County, Oregon

By Joan E. Harrison Deputy

SHERIFF'S RETURN OF SERVICE

STATE OF OREGON)
) ss.
 County of Klamath)

Court Case No. _____

Sheriff's Case No. 85-3676I hereby certify that I received on November 27, 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

() TRUSTEE'S NOTICE OF SALEfor service on the within named: Ruth A. Philpott

(X) SERVED Ruth A. Philpott personally and in person.
 at Rt. 1, Box 243, Bonanza, OR 97623

() 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 _____

() NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find
 the within named: _____ within Klamath County.

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

DATE AND TIME OF SERVICE OR NOT FOUND: December 3, 1985 3:00 p.m.

TOM DURYEE, Sheriff
 Klamath County, Oregon

By

Jean E. Harrison

Deputy

SHERIFF'S RETURN OF SERVICE

5475

STATE OF OREGON)
County of Klamath) ss.

Court Case No. _____

Sheriff's Case No. 85-3676 the within:

I hereby certify that I received on _____

November 27, 1985

- () 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) TRUSTEE'S NOTICE OF SALE

for service on the within named: D. L. Hoots, Attorney at Law

(X) SERVED D. L. Hoots personally and in person.
at 2261 S. 6th St., Klamath Falls, OR

() 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 _____

() NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find
the within named: _____ within Klamath County.

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

DATE AND TIME OF SERVICE OR NOT FOUND: November 29, 1985 10:30 a.m.

TOM DUFFY, Sheriff
Klamath County, Oregon

By Jean E. Hansen Deputy

SHERIFF'S RETURN OF SERVICE

5476

STATE OF OREGON }
County of Klamath } ss.

Court Case No. _____

Sheriff's Case No. 85-3676

I hereby certify that I received on _____ November 27, 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) TRUSTEE'S NOTICE OF SALE

for service on the within named: ENVER GOZGOZ

(x) SERVED ENVER GOZGOZ personally and in person.
at Sheriff's Office, Klamath Falls, OR

() 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 _____

() NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find
the within named: _____ within Klamath County.

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

DATE AND TIME (OF SERVICE OR NOT FOUND): November 29, 1985 8:40 a.m.

TOM DURYEE, Sheriff
Klamath County, Oregon

By Jean E. Harrison Deputy

SHERIFF'S RETURN OF SERVICE

5477

STATE OF OREGON)
) ss.
 County of Klamath)

Court Case No. _____

Sheriff's Case No. 85-3676

I hereby certify that I received on _____ November 27, 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) TRUSTEE'S NOTICE OF SALE

for service on the within named: Tenants in Possession, 1423 Dayton, Klamath Falls, OR

(x) SERVED Paula Treasure personally and in person.
 at 1423 Dayton, Klamath Falls, OR 97603

() 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 _____

() NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find
 the within named: _____ within Klamath County.

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

DATE AND TIME OF SERVICE OR NOT FOUND: November 29, 1985 11:07 a.m.

TOM DURYEE, Sheriff
 Klamath County, Oregon

Ely: Jean E. Hanson Deputy

TRUSTEE'S NOTICE OF SALE

5478

Reference is made to that certain trust deed made by ELDEN R. KOLLMAR and CARIE D. KOLLMAR, husband and wife, as grantor, to TRANSAERICA TITLE INSURANCE COMPANY, as trustee, in favor of PEOPLES MORTGAGE COMPANY, a Washington corporation,** as beneficiary, dated March 31, 1983, recorded April 7, 1983, in the mortgage records of Klamath County, Oregon, in book and volume No. M83, at page 5221, and the proceeds of said deed are not recorded in the public records, covering the following described real property situated in said county and state, to-wit:

The West 1/2 of Lot 16, Block 2, BRYANT TRACTS NO. 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**the beneficial interest under said Deed of Trust was assigned to ICA Mortgage Corporation, a California corporation, by Assignment recorded October 10, 1984, in Volume M34, Page 17456,

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:

Monthly payments in the amount of \$537.00 each for the months of August through November, 1985, plus late charges in the amount of \$21.48 each for the months of August through November, 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:

Principal amount of \$41,888.33, together with interest thereon at the rate of 12.0% per annum from July 1, 1985, plus late charges of \$85.92.

WHEREFORE, notice hereby is given that the undersigned trustee will on April 22, 1986, at the hour of 10:00 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at the main door 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 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 November 26, 1985

WILLIAM S. WILEY

Successor Trustee

P. O. Box 1147, Eugene, OR 97140

State of Oregon, County of Lane, 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.

William S. Wiley Attorney for said Trustee

If the foregoing is a copy to be served pursuant to ORS 85.740 or ORS 85.750(1), fill in opposite the name and address of party to be served.

SERVE: Tenants in Possession
1423 Dayton
Klamath Falls, OR 97601

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 2nd day of April, A.D., 19 86 at 3:36 o'clock P.M., and duly recorded in Vol. M86 of Mortgages on Page 5469

FEE \$41.00

Evelyn Biehn, County Clerk
By Ann Smith