

62174

THIS INDENTURE, made this 27th day of May, 1986, between Harry M. Hanna, hereinafter called Successor Trustee, and The Benj. Franklin Federal Savings and Loan Association, hereinafter called The Benj. Franklin;

WITNESSETH:

RECITALS: William C. Hurd, as grantor, executed and delivered to Mountain Title Company, as trustee, for the benefit of Equitable Savings and Loan Association, as beneficiary, a certain trust deed duly recorded on December 20, 1977, official records of Klamath County, Oregon, as Volume M77, Page 24515. In said trust deed the real property therein and hereinafter described was conveyed by said grantor to said trustee to secure, among other things, the performance of certain obligations of the grantor to the said beneficiary. The Benj. Franklin is the successor in interest to the beneficiary. Grantor or grantor's successor in interest thereafter defaulted in the performance of the obligations secured by said trust deed as stated in the Notice of Default hereinafter mentioned and such default still existed at the time of the sale hereinafter described.

By reason of said default, The Benj. Franklin declared all sums so secured immediately due and owing; a Notice of Default, containing an election to sell the said real property and to foreclose said trust deed by advertisement and sale to satisfy grantor obligations was recorded in the official records of said county on January 22, 1986, in Volume M86, Page 1081, to which reference now is made.

After the recording of said Notice of Default, the Successor Trustee gave notice of the time for and the place of sale of said real property as fixed by him and as required by law. Copies of the Trustee's Notice of Sale were mailed by U.S. certified mail, return receipt requested, and by first class mail, to all persons entitled by law to such notice at their respective last known addresses, and the occupants of the property were timely served with said Notice of Sale, all as provided by law, and at least 120 days before the day so fixed for said trustee's sale.

Further, the Successor Trustee published a copy of said Notice of Sale in a newspaper of general circulation in Klamath County, once a week for four successive weeks; the last publication of said Notice occurred at least twenty days prior to the date of such sale. The mailing, service and publication of said Notice of Sale are shown by one or more affidavits or proofs of service duly recorded on or prior to the date of sale in the official records of said county, said affidavits and proofs, together with the said Notice of Default and Election to Sell and the Trustee's Notice of Sale, being now referred to and incorporated in and made a part of this Trustee's Deed as fully as if set out verbatim. On the date of said Notice of Sale, the Successor Trustee had no actual notice of any person, other than the persons named in said affidavits and proofs having or claiming a lien on or interest in said described real property subsequent to the interest of the trustee and beneficiary in the trust deed.

Pursuant to said Notice of Sale, the Successor Trustee on May 15, 1986, at 10:00 A.M. of said day postponed said sale to May 27, 1986, pursuant to ORS 86.755(2), based on the Standard of Time, as established by Section 187.110, Oregon Revised Statutes, and at the place so fixed for sale, sold said real property in one parcel at public auction to The Benj. Franklin for the sum of \$18,751.80 Trustee by the laws of the State of Oregon and by said trust deed, the Successor Trustee does hereby convey unto The Benj. Franklin all interest which the grantor had or had the power to convey at the time of grantor execution of said trust

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JUN 1986

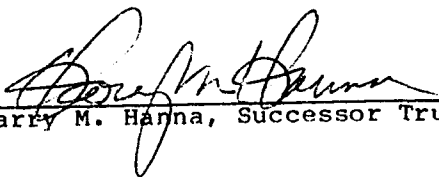
deed, together with any interest the said grantor or said grantor's successors in interest acquired after the execution of said trust deed in and to the following-described real property, to-wit:

The Northerly 66 feet of Lot 17 and Block 42 of HILLSIDE ADDITION TO THE CITY OF KLAMATH FALLS, according to the official Plat thereof, on file in the office of the county clerk of Klamath County, Oregon.

TO HAVE AND TO HOLD the same unto The Benj. Franklin, its successors in interest and assigns forever.

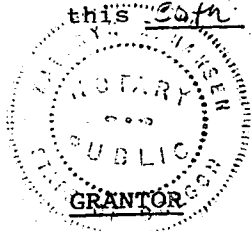
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

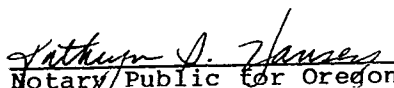
IN WITNESS WHEREOF, the Successor Trustee has hereunto set his hand.

  
Harry M. Hanna, Successor Trustee

STATE OF OREGON           )  
                                      : ss.  
County of Multnomah )

The foregoing instrument was acknowledged before me this 20th day of May, 1986.



  
Kathryn J. Hansen  
Notary Public for Oregon  
My Commission Expires: 9-25-88

#### GRANTEE

HARRY M. HANNA  
Successor Trustee  
11th Floor  
Benj. Franklin Plaza  
One Southwest Columbia  
Portland, Oregon 97258

The Benj. Franklin Federal  
Savings and Loan Association  
Attention: REO Department  
PO Box 6400  
Portland, Oregon 97228-6400

AFTER RECORDING RETURN TO:

NIEHAUS, HANNA, MURPHY,  
GREEN, OSAKA & DUNN  
Attention: Kathy Hansen  
11th Floor  
Benj. Franklin Plaza  
One Southwest Columbia  
Portland, Oregon 97258

UNTIL A CHANGE IS REQUESTED  
ALL TAX STATEMENTS SHALL BE  
SENT TO THE FOLLOWING ADDRESS:

The Benj. Franklin Federal  
Savings and Loan Association  
Attention: REO Department  
PO Box 6400  
Portland, Oregon 97228-6400

6KH5/204

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 4th day  
of June A.D., 19 86 at 2:25 o'clock P.M., and duly recorded in Vol. M86  
of \_\_\_\_\_ Deeds on Page 9690

FEE \$14.00

Evelyn Biehn,  
By \_\_\_\_\_  
County Clerk



STATE OF OREGON, County of CLATSOP  
62175

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE  
ASPEN F-29422

I, Sandra K. Handsaker, ss:  
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 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:  
Stephen D. Roth  
Marita L. Roth  
Klamath

14310 S.E. McLoughlin Blvd #788  
Milwaukee, Oregon 97222  
14310 S.E. McLoughlin Blvd #788  
Milwaukee, Oregon 97222

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 has actual notice, (c) any person, including the lien or interest 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 36.785.  
Each of the notices so mailed was certified to be a true copy of the original notice of sale by ANDREW L. PATTERSON, Assistant Secretary, Oregon, on February, 1986.  
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 February, 1986.  
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 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.

Sandra K. Handsaker  
Notary Public for Oregon. My commission expires 1-15-90.  
Subscribed and sworn to before me this 2nd day of February, 1986.

(SEAL)  
AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from  
Stephen D. Roth Grantor  
Marita L. Roth  
to  
Aspen Title & Escrow, Inc. Trustee  
Successor  
AFTER RECORDING RETURN TO  
Aspen Title & Escrow, Inc.  
600 Main Street  
Klamath Falls, Oregon 97601

(DON'T USE THIS SPACE RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

STATE OF OREGON  
County of CLATSOP

I certify that the within instrument was received for record on the 15th day of February, 1986, at 10 o'clock A.M., and recorded in book/reel/volume No. 19, page 19, or as fee/file/instrument/microfilm/reception No. 19, Record of Mortgage of said County. Witness my hand and seal of County affixed.

By Sandra K. Handsaker NAME  
TITLE Deputy

ASPEN F-29422

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62175

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Klamath, ss:I, Sandra K. Handsaker, 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
Stephen D. Roth	14310 S.E. McLoughlin Blvd #788 Milwaukee, Oregon 97222
Marita L. Roth	14310 S.E. McLoughlin Blvd #788 Milwaukee, Oregon 97222

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 ANDREW A. PATTERSON, Assistant Secretary ~~xxxxxx~~ 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 February, 1986. 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 2nd day of June, 1986.

(SEAL)

Notary Public for Oregon. My commission expires 1-15-90.

\* 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

Stephen D. RothMarita L. Roth

Grantor

TO

Aspen Title & Escrow, Inc.

Successor

Trustee

AFTER RECORDING RETURN TO  
Aspen Title & Escrow, Inc.  
600 Main Street  
Klamath Falls, Oregon 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 lee/tile/instrument/microfilm/reception No.       , Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME        TITLE         
By        Deputy

OK #

ASPEN F-29422  
TRUSTEE'S NOTICE OF SALE

9693

Reference is made to that certain trust deed made by STEPHEN D. ROTH and/or MARITA L. ROTH, as Joint Tenants, as grantor, to TRANSAMERICA TITLE INSURANCE COMPANY, as trustee, in favor of WELLS FARGO REALTY SERVICES, INC., as beneficiary, dated April 4, 1980, recorded July 10, 1980, in the mortgage records of Klamath County, Oregon, in book/notations No. M-80 at page 12774, covering the following described real property situated in said county and state, to-wit:

Lot 18, Block 4, Tract No. 1023, KLAMATH COUNTRY, in the County of Klamath, State of 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 Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: Monthly installments of principal and interest due for the months of March, April, May, June, July, August, September, October, November and December of 1985, and January of 1986, in the amounts of \$50.15 each; and subsequent installments of like amounts; Subsequent amounts for assessments due under the terms and provisions of the Note and Trust Deed.

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: \$3,499.71 plus interest and late charges, thereon from February 12, 1985, at the rate of NINE AND ONE HALF (9½%) PER CENT PER ANNUM until paid and all sums expended by the Beneficiary pursuant to the terms and provisions of the Note and Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee will on June 6, 1986, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at ASPEN TITLE & ESCROW, INC., 600 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 ORS 86.753 has the right, at any time prior to five days before the date last set for 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 ORS 86.753.

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 January 31, 1986

ASPEN TITLE & ESCROW, INC.

BY [Signature]

Successor Trustee

State of Oregon, County of Klamath

I, the undersigned, certify that I am the Assistant Secretary for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Assistant Secretary [Signature] 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:

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of June A.D., 19 86 at 2:44 o'clock P M., and duly recorded in Vol. M86 of Mortgages on Page 9692

FEE \$9.00

Evelyn Biehn, County Clerk  
By [Signature]