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K-38777

Vol. 1187 Page 275 STEVENS, NESS, LAW FIRM, CO., PORTLAND, OR 97204

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

Unknown occupant(s)

807 Fulton Street, 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 September 18, 1986, 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.

David E. Fennell
David E. Fennell Successor
(Attorney-At-Law) Trustee

Subscribed and sworn to before me this 8 day of September, 1986.

(SEAL) PUBLIC

Notary Public for Oregon. My commission expires: 2/12/90.

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
Coddington

Grantor
Fennell TO
Successor Trustee

AFTER RECORDING RETURN TO
Mr. David E. Fennell
PRESTON, THORGRIMSON, ELLIS & HOLMAN
1230 SW First Avenue, Suite 300
Portland, OR 97204

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

AFFIDAVIT OF NON-OCCUPANCY

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STATE OF OREGON

County of KLAMATH

I, DAN LINDSEY, being first duly sworn, depose and say: That I am, and have been at all material times hereto, a competent person over the age of eighteen years and a resident of KLAMATH county, State of Oregon. I am not a party to, an attorney in, or interested in any suit or action involving the property described below.

That on the 16th day of September, 1986, after personal inspection, I found the following described real property to be unoccupied:

All of the following described portions of Lots 7 and 8 in Block 9 of FAIRVIEW ADDITION No. 2 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, as follows: Beginning at the Northwest corner of said Lot 8, thence running Easterly along the North line of said Lot 8, 36 feet and 8 inches; thence South 100 feet, more or less to the South line of said Lot 7; thence along the South line of said Lot 7, West 36 feet and 8 inches; thence North 100 feet; more or less to the point of beginning.

Commonly described as: (street address) 807 FULTON STREET
KLAMATH FALLS, OR 97601

Dan Lindsey
Dan Lindsey

SUBSCRIBED AND SWORN to before me this 18th day of September, 1986.
1986.

Norma J. Leslie
NOTARY PUBLIC FOR OREGON
My commission expires: 3-31-87

CLS#31017

CROWE LEGAL SERVICES, INC. • P.O. Box 25553, Portland, Oregon 97225 • 643-7066
Founding Member: NATIONAL ASSOCIATION OF PROFESSIONAL PROCESS SERVERS INC.

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STATE OF OREGON,

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

County of Multnomah

ss.

I, David E. Fennell

being first duly sworn, depose, say and certify that:

I am the Successor

Douglas K. Coddington, an unmarried person

to Transamerica Title Insurance Company trustee in that certain trust deed executed and delivered by as grantor

in which Peoples Mortgage Company, a Washington corporation as trustee,

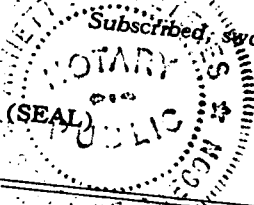
is beneficiary, recorded on July 3, 1979, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M-79, at page 15766 or as fee/file/instrument/microfilm/reception No. (indicate which), covering the following described real property situated in said county:

All the following described portions of Lots 7 and 8 in Block 9 of FAIRVIEW ADDITION No. 2 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, as follows: Beginning at the Northwest corner of said Lot 8, thence running Easterly along the North line of said Lot 8, 36 feet and 8 inches; thence South 100 feet, more or less to the South line of said Lot 7; thence along the South line of said Lot 7, West 36 feet and 8 inches; thence North 100 feet, more or less to the point of beginning.

I hereby certify that on September 16, 1986, the above described real property was not occupied. The word "trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed first mentioned above.

David E. Fennell

Successor - Trustee



Subscribed, sworn to and acknowledged before me this 29th day of September, 1986.

Annette Pitens
Notary Public for Oregon
My Commission expires: 2/12/90

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

RE: Trust Deed from Douglas K. Coddington

Grantor

Transamerica Title Insurance Company

Trustee

AFTER RECORDING RETURN TO
David E. Fennell
Preston, Thorgrimson, Ellis & Holman
1230 S. W. First Avenue, Suite 300
Portland, Oregon 97204

(DON'T USE THIS SPACE; RESERVED FOR RECORDING LABEL IN COUNTIES 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

OC

TRUSTEE'S NOTICE OF SALE

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Reference is made to that certain trust deed made by Douglas K. Coddington, an unmarried person, as grantor, to Transamerica Title Insurance Company, as trustee, in favor of Peoples Mortgage Company, a Washington Corporation**, as beneficiary, dated June 4, 19 79, recorded July 3, 19 79, in the mortgage records of Klamath County, Oregon, in book 157, volume No. M-79 at page 15766, ~~to file/instrument/recordation No. xxxxxxxxxx (indicate which)~~ covering the following described real property situated in said county and state, to-wit:

All of the following described portions of Lots 7 and 8 in Block 9 of FAIRVIEW ADDITION No. 2 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, as follows: Beginning at the Northwest corner of said Lot 8, thence running Easterly along the North line of said Lot 8, 36 feet and 8 inches; thence South 100 feet, more or less to the South line of said Lot 7; thence along the South line of said Lot 7, West 36 feet and 8 inches; thence North 100 feet; more or less to the point of beginning.

**beneficial interest under said Deed of Trust was assigned to Cenlar Federal Savings Bank by instrument recorded February 24, 1986, Volume M-85, Page 3162, 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: monthly payments of \$320.00 beginning 5/1/86 until paid; plus late charges of \$12.80 each month beginning 5/16/86 until paid; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by Cenlar Federal Savings Bank for protection of the above described real property and its interest therein.

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: \$27,652.21 with interest thereon at the rate of 10.0 percent per annum beginning 4/1/86 until paid; plus late charges of \$12.80 each month beginning 5/16/86 until paid; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by Cenlar Federal Savings Bank for protection of the above described real property and its interest therein.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 16, 19 87, at the hour of 10:00 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at inside door to main lobby of the Klamath County Courthouse, 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 to 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 September 8, 19 86

David E. Fennell
David E. Fennell 1230 SW First Avenue, Suite 300
Portland, OR 97204 (503) 225-0815
Successor Trustee

State of Oregon, County of Multnomah 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.

Attorney 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 _____ the 7th day
of January A.D., 19 87 at 1:38 o'clock P M., and duly recorded in Vol. M87
on Page 275
of Mortgages
By Evelyn Biehn, County Clerk
Sam Smith

FEE \$17.00