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K-38993

AFFIDAVIT OF VACANCY

Vol. 1787 Page 2771

STATE OF OREGON )

COUNTY OF MULTNOMAH )

SS

I, CLARKE McCANCE, Process Server, being first  
duly sworn, do hereby depose, say, and certify that:

At all times hereinafter mentioned I was and now am a  
resident of the state where service is made, a competent person  
18 years of age or older, and not the beneficiary or its  
successor in interest or the trustee or successor trustee or a  
party to the foreclosure proceeding described in the attached  
original trustee's notice of sale given under the terms of that  
certain trust deed described in said notice, or an officer,  
director, or employee of, or attorney for, any party, corporate  
or otherwise.

On the 17th day of November, 1986, I personally  
attempted service of the attached trustee's notice of sale  
certified to be a true copy by Richard A. Canaday, Trustee; on  
tenants of location No. 2605\* of the Washburn Plaza,  
located at the intersection of Washburn and Crosby Avenue,  
within the city of Klamath Falls, county of Klamath, and state  
of Oregon. The location was vacant and not occupied by any of  
the persons referred to in Subsection 1 of Section 86.750 of  
the Oregon Revised Statutes.

\*KLAMATH HEALTH FOODS

Clarke McCance

CLARKE McCANCE  
Process Server

312 S. Rogers

Klamath Falls OR 97601

Telephone: 503/884-1104

The foregoing affidavit was acknowledged before me this

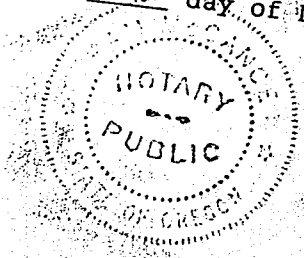
CLARKE McCANCE

STATE OF OREGON )

COUNTY OF KLAMATH )  
~~MULTNOMAH~~

SS

21st day of November, 1986, by



Ram McCance  
Notary Public for Oregon  
My commission expires: 8-1-90

LEE 213.00

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TRUSTEE'S NOTICE OF SALE

2772

Reference is made to that certain trust deed made, executed, and delivered by COMAC PROPERTIES, INC., an Oregon corporation, as Grantor, to TICOR TITLE INSURANCE COMPANY, as Trustee, to secure certain obligations in favor of STATE FEDERAL SAVINGS AND LOAN ASSOCIATION of Corvallis, Oregon, successor in interest to State Savings and Loan Association, as Beneficiary, dated April 11, 1983, and recorded in Volume M83, Page 6135, of the Mortgage Records of Klamath County, Oregon, covering the following described real property situated in said county and state, to wit:

**PARCEL 1**

A tract of land being Lot 1 and a portion of Lot 2 in Block 3 of Tract 1080, WASHBURN PARK, in the County of Klamath, State of Oregon, more particularly described as follows:  
Beginning at the Southwest corner of said Lot 1; thence North 00° 04' 50" East 195.00 feet to the Northwest corner of said Lot 1; thence South 00° 04' 50" West 57.80 feet to the Northeast corner of said Lot 1; thence continuing South 00° 04' 50" West 195.00 feet to the Southeast corner of said Lot 1; thence North 89° 25' 10" West 300.00 feet to the point of beginning.  
EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded August 16, 1976 in Deed Volume M-76 at page 1264, Microfilm Records of Klamath County, Oregon.

**PARCEL 2**

A tract of land situated in Lot 2, Block 3, Tract 1080, WASHBURN PARK, in the County of Klamath, State of Oregon, more particularly described as follows:  
Beginning at a point on the Easterly right of way line of Washburn Way, said point being North 00° 04' 50" East 57.80 feet from the Northwest corner of Lot 1, Block 3; thence South 89° 25' 10" East 300.00 feet to a point; thence South 89° 56' 30" East a distance of 51.67 feet to the Northwest corner of parcel conveyed to Ronald T. Williams, et ux., by Deed Volume M-77 at page 1751; thence South 0° 04' 50" West along the West line of last mentioned parcel a distance of 253.26 feet to the North line of Crosby Avenue; thence North 89° 25' 10" West along said North line a distance of 151.76 feet to the Southeast corner of Lot 1, Block 3; thence North 0° 04' 50" East a distance of 252.8 feet, more or less, to the point of beginning.

**PARCEL 3**

A tract of land being a portion of Lot 2, Block 3, of Tract 1080, WASHBURN PARK, in the County of Klamath, State of Oregon, being more particularly described as follows:  
Beginning at the Southwest corner of said Lot 2; thence North 00° 04' 50" West (East) 57.80 feet to the true point of beginning; thence North 00° 04' 50" West 96.35 feet; thence South 89° 56' 30" East 400.07 feet to the East line of said Lot 2; thence South 00° 03' 30" West 100.00 feet; thence North 89° 25' 10" West 400.08 feet to the true point of beginning.

The real property is known as the Washburn Way Plaza Shopping Center, located at the intersection of Washburn Way and Crosby Avenue, in Klamath Falls, Oregon.  
The FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION has been appointed receiver for State Federal Savings and Loan Association of Corvallis, Oregon, pursuant to 12 USC §§ 1464 and 1729 and has thereby succeeded to all rights and entitlements of said association.  
RICHARD A. CANADAY, an attorney who is an active member of the Oregon State Bar, was appointed successor trustee by a certain instrument dated September 17, 1986, and recorded October 8, 1986, in Volume M-86, Page 18424, of the Records of Klamath County, Oregon, and is now vested with all the powers of Trustee.

Beneficiary has elected to sell said real property to satisfy the obligations secured by said trust deed and to foreclose said deed by advertisement and sale; the default for which the foreclosure is made is the failure of Grantor to pay when due the following sums:

\$14,810.90	due August	26, 1984	\$14,810.90	due June	26, 1985
\$14,810.90	due September	26, 1984	\$14,810.90	due July	26, 1985
\$14,810.90	due October	26, 1984	\$14,810.90	due August	26, 1985
\$14,810.90	due November	26, 1984	\$14,810.90	due September	26, 1985
\$14,810.90	due December	26, 1984	\$14,810.90	due October	26, 1985
\$14,810.90	due January	26, 1985	\$14,810.90	due November	26, 1985
\$14,810.90	due February	26, 1985	\$14,810.90	due December	26, 1985
\$14,810.90	due March	26, 1985	\$14,810.90	due January	26, 1986
\$14,810.90	due April	26, 1985	\$14,810.90	due February	26, 1986
\$14,810.90	due May	26, 1985	and the remaining balance due		
			March 26, 1986		

By reason of said default, Beneficiary has declared the entire unpaid balance of all obligations secured by said trust deed, together with interest thereon, immediately due, owing and payable, said sums being the following, to wit:

\$1,246,293.15, together with interest thereon at the rate of 14 percent per annum from July 26, 1984, until paid, plus late charges and disbursements made by Beneficiary to protect its interest in the above-described property, together with interest thereon at above-described rate from the date of each disbursement.

A notice of default and election to sell and to foreclose was duly recorded on November 10, 1986, in Volume M86, Page 20340, of the Records of Klamath County, Oregon.

NOTICE HEREBY IS GIVEN that the undersigned Trustee or Trustee's attorneys will, on Thursday the 2nd day of April, 1987, at the hour of 11 a.m., Standard Time as established by ORS 187.110, at the main entrance to the Klamath County Courthouse, 316 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 said real property which Grantor had or had power to convey at the time of the execution by Grantor of said trust deed, together with any interest which Grantor or the successors in interest to Grantor acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including the cost of a title search, a reasonable charge by Trustee, and reasonable attorney fees for Trustee's attorneys.

NOTICE IS FURTHER GIVEN that Grantor and certain other persons named in Chapter 86 of Oregon Revised Statutes have the right at any time prior to five days before Trustee conducts the sale to require that the foreclosure proceeding be dismissed and the trust deed reinstated by the payment of the entire amount due (other than such portion of the principal as would not be due had no default occurred) under the terms of said trust deed and the obligations secured thereby, including all costs and expenses actually incurred and Trustee's and attorney fees as provided by ORS Chapter 86 and by curing any other defaults stated herein.

In construing this notice and whenever the context hereof so requires, the word "Grantor" includes any successor in interest of Grantor as well as any other person owing an obligation the performance of which is secured by said trust deed and their successors in interest; the word "Trustee" includes any successor Trustee; and the word "Beneficiary" includes any successor in interest of Beneficiary named in trust deed.

Any person interested in this sale and having questions should contact Deborah Lewis, Legal Assistant, at 224-5858.

DATED at Portland, Oregon, November 11, 1986.

**ORIGINAL**

AFTER RECORDING RETURN TO  
DEBORAH LEWIS

MILLER, NASH, WIENER, HAGER & CARLSEN  
111 S.W. FIFTH AVENUE  
PORTLAND, OREGON 97204-3699

*Richard A. Canaday*  
Richard A. Canaday, Trustee  
111 S.W. Fifth Avenue  
Portland, Oregon 97204-3699  
Telephone: (503) 224-5858

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the \_\_\_\_\_ 20th day  
of February A.D., 19 87 at 2:02 o'clock P. M., and duly recorded in Vol. MB7  
of \_\_\_\_\_ of Mortgages on Page 2771

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

FEE \$13.00