

79626

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

Mr. James A. Sutherland  
and/or

122 Third Street  
Chiloquin, Oregon 97624

Ms. Rowene J. Sutherland

122 Third Street  
Chiloquin, OR 97624

and/or unknown occupant

122 Third Street, Chiloquin OR 97624

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 June 9, 1987, 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 (Attorney for Trustee)

Subscribed and sworn to before me this 19th day of May, 1987

(SEAL) NOTARY 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  
Sutherland

Grantor

TO

Fennell

Trustee

SPACE RESERVED  
FOR  
RECORDER'S USE

AFTER RECORDING RETURN TO  
Mr. David E. Fennell  
PRESTON, THORGRIMSON, ELLIS & HOLMAN  
3200 US Bancorp Tower, 111 SW Fifth  
Portland, OR 97204

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

STATE OF \_\_\_\_\_

## PROOF OF SERVICE

17248



County of \_\_\_\_\_ ss.

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:

Upon \_\_\_\_\_ Personal Service Upon Individual(s)

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

Upon \_\_\_\_\_ Substituted Service Upon Individual(s)

or usual place of abode, to-wit: \_\_\_\_\_, by delivering such true copy at his/her dwelling house  
 to \_\_\_\_\_

age of 14 years and a member of the household of the person served on \_\_\_\_\_, 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: \_\_\_\_\_  
 to \_\_\_\_\_

age of 14 years and a member of the household of the person served on \_\_\_\_\_, 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 \_\_\_\_\_ Office Service Upon Individual(s)

business at \_\_\_\_\_, at the office which he/she maintains for the conduct of  
 by leaving such true copy with \_\_\_\_\_  
 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 \_\_\_\_\_ (NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.) \_\_\_\_\_, by

(a) delivering such true copy, personally and in person, to \_\_\_\_\_ 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 \*  
 \* Specify registered agent, officer (by title), director, general partner, managing agent.

at \_\_\_\_\_, 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 86.740(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.

TRUSTEE'S NOTICE OF SALE

17249

Reference is made to that certain trust deed made by James A. Sutherland and Rowena J. Sutherland  
Aspen Title and Escrow Company  
in favor of Town and Country Mortgage, Inc.  
dated April 17, 1984, recorded April 20, 1984, in the mortgage records of  
Klamath County, Oregon, in book/reel/volume No. M-84 at page 6563, or  
as fee/title/instrument/microfilm/reception No. (indicate which), covering the following described real  
property situated in said county and state, to-wit:  
Lots 16, 17 and 18, Block 4 of Chiloquin, according to the official plat thereof on file in the office of  
the County Clerk, Klamath County, Oregon.  
Property address: 122 Third Street, Chiloquin, Oregon 97624

\*\*Beneficial interest under said Deed of Trust was assigned to Cenlar Federal Savings Bank by instrument  
recorded February 24, 1986 as M-86 on Page 3176.

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 de-  
fault for which the foreclosure is made is grantor's failure to pay when due the following sums:

monthly payments of \$610.00 beginning August 1, 1986 to December 1, 1986, then monthly payments of \$619.54  
beginning January 1, 1987 to May 1, 1987; plus late charges of \$24.40 each month beginning August 16, 1986  
to December 16, 1986 then late charges of \$24.79 each month beginning January 16, 1987 to May 16, 1987;  
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 the beneficiary for the 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: \$49,646.83 with interest thereon at the  
rate of 13 percent per annum beginning July 1, 1986 until paid; plus late charges of \$24.40 each month beginning  
August 16, 1986 to December 16, 1986 then late charges of \$24.79 each month beginning January 16, 1987; 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 the beneficiary for the protection of the above described real property and its  
interest therein.

\*\* WHEREFORE, notice hereby is given that the undersigned trustee will on October 7, 1987, at  
the hour of 10:00 o'clock, A. M., in accordance with the standard of time established by ORS 187.110, at  
inside door to the main lobby 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 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 per-  
formance required under the obligation or trust deed, and in addition to paying said sums or tendering the perform-  
ance 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 obli-  
gation, 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 May 19, 1987  
\*\*interest therein.

David E. Fennell  
3200 US Bancorp Tower  
111 SW Fifth Avenue Portland, OR 97204  
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:



# AFFIDAVIT OF NON-OCCUPANCY

17250

STATE OF OREGON

County of ~~Washington~~ KLAMATH

I, Lorraine B. Furby, 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 5th day of June, 1987, after personal inspection, I found the following described real property to be unoccupied:

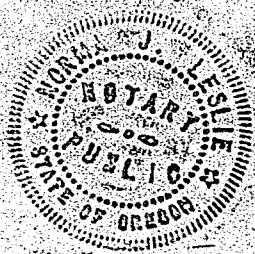
The property, located at 122 Third Street Chiliquin, Oregon was found to be vacant and according to two separate neighbors, it was stated to me that said property has been vacant since the last of August, 1986. Winema Realty of Chiliquin, had this house and property listed from the last of August, 1986 till approximately April 1, 1987. Mr. Sutherland is in the Education profession and was Vice Principal of the high school, but left the area and has moved.

Commonly described as: (street address) 122 Third Street  
Chiliquin, Oregon.

Lorraine B. Furby

Process Server Lorraine B. Furby

SUBSCRIBED AND SWORN to before me this 6th day of June, 1987.



Nancy J. Seale  
NOTARY PUBLIC FOR OREGON  
My commission expires: 3-31-1991

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Company the 22nd day of September A.D., 19 87 at 1:44 o'clock P. M., and duly recorded in Vol. M87 of Mortgages on Page 17247  
By Evelyn Biehn, County Clerk

FEE \$17.00