1st Nat Bank v. Bowers

83341

Affidavit of Publication

STATE OF OREGON,
COUNTY OF KLAMATH ss.

Vol. M88 Page 483

'88 JAN 11 AM 11 35

I, Sarah L. Parsons, Office Manager being first duly sworn, depose and say that I am the principal clerk of the publisher of the Herald and News

a newspaper of general circulation, as defined by Chapter 193 ORS, printed and published at Klamath Falls in the aforesaid county and state; that the

#281 Trustees sale-Bowers

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for four

~~consecutive and consecutive week days~~

(4 insertion s) in the following issue s:

Oct. 29, 1987

Nov. 5, 1987

Nov. 12, 1987

Nov. 19, 1987

Total Cost: $448.80

Sarah L. Parsons

Subscribed and sworn to before me this 19 day of Nov. 19 87

Notary Public of Oregon

My commission expires Jan 15 1990

(COPY OF NOTICE TO BE PASTED HERE)

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Joan T. Bowers and Darlene A. Bowers, as Grantor, to Malcolm Tilbe, as Trustee, in favor of First Interstate Bank of Oregon, N.A., dba First National Bank of Oregon, as beneficiary, dated August 1, 1981, recorded August 13, 1981, in the mortgage records of Klamath County, Oregon, in Volume No. M81 at page 14651, or as file/instrument/microfilm/reception No. 81-[illegible], covering the following described real property situated in said County and State, to wit:

(27 Q Vale Road, Klamath Falls, OR 97601)

(A) A tract of land situated in the SW¼SE¼ of Section 6, Township 39 South, Range 10 East of the Willamette Meridian, more particularly described as follows:

Beginning at the Southeast corner of the SW¼SE¼ of said Section 6, said point being the Northeast corner of "Junction Acres" subdivision; thence South 89°07'30" West along the South line of said Section 6, which is also the North line of said Subdivision, a distance of 30 feet; thence Northerly, parallel with the East line of the SW¼SE¼ of said Section 6, a distance of 175 feet to the true point of beginning of this description; thence Northerly parallel with the East line of the SW¼SE¼ of said Section 6, a distance of 175 feet, more or less, to the intersection with the centerline of the Enterprise Irrigation District canal as it is presently located and constructed; thence Northwesterly and Southwesterly along the centerline of said canal to a point that is Northerly, measured on a line parallel with the East line of the SW¼SE¼ of said Section 6, a distance of 350 feet from the South line of said Section 6; thence South 89°07'30" West parallel with the South line of said Section 6, which is the North line of said Subdivision, to the intersection with the East line of that tract of land deeded to Heaton, as described in Deed Volume 359 page 448; thence South 28°23'30" East and South 00°21'45" East along the East line of said Heaton tract to a point that is Northerly, measured on a line parallel with the East line of the SW¼SE¼ of said Section 6, a distance of 175 feet from the Southline of said Section 6; thence North 89°07'30" East parallel with the Southline of said Section 6, which is the North line of said subdivision, to the true point of beginning of this description.

(B) A tract of land situated in the SW¼SE¼ of Section 6, Township 39 South, Range 10 E.W.M., more particularly described as follows:

Beginning at a point on the South line of said Section 6, said point being on the North line of "Junction Acres" Subdivision and being South 89°07'30" West a distance of 30 feet from the Northeast corner of said subdivision, which is also the Southeast corner of the SW¼SE¼ of said Section 6; thence Northerly parallel with the East line of the SW¼SE¼ of said Section 6 a distance of 175 feet; thence South 89°07'30" West parallel with the South line of said Section 6, which is the North line of said subdivision, to the intersection with the East line of the tract of land deeded to Heaton, as described in Deed Volume 359 page 448; thence South 00°21'45" East along the East line of Heaton tract a distance of 175 feet, more or less, to the South line of said Section 6, which is the North line of said subdivision; thence North 89°07'30" East along the South line of said Section 6 and along the North line of said Subdivision to the point of beginning.

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 $1,451.46 each, commencing with the payment due February 1, 1987, and continuing each month until this trust deed is reinstated or goes to Trustee's sale, plus accrued late charges of $316.36 as of August 26, 1987 and further late charges of $52.41 on each delinquent payment thereafter, plus all fees, costs and expenses associated with this foreclosure, all sums expended by beneficiary to protect the property or its interest therein during the pendency of this proceeding, evidence that taxes are paid as provided by the terms of the Trust Deed, and less the reserve account balance of $644.20.

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: The sum of $109,400.99 with interest thereon at the rate of 12.50% per annum from January 1, 1987, until paid; plus all fees, costs and expenses associated with this foreclosure, all sums expended by beneficiary to protect the property or its interest therein during the pendency of this proceeding, evidence that taxes are paid as provided by the terms of the Trust Deed, and less the reserve account balance of $644.20.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 15, 1988, at the hour of 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at front door - 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 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 and 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 August 31, 1987.

GEORGE C. REINMILLER Successor Trustee
521 S.W. Clay
Portland, OR 97201
226-3077
#281 Oct. 29, Nov. 5, 12, 19, 1987

Return to:
GEORGE C. REINMILLER & ASSOCIATES
ATTORNEYS AT LAW
521 S.W. CLAY, SUITE 2000
PORTLAND, OREGON 97201

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of George C. Reinmiller, Attorney of January A.D., 19 88 at 11:35 o'clock A.M., and duly recorded in Vol. M88, of Mortgages on Page 483 the 11th day

FEE $5.00

Evelyn Biehn, County Clerk
By Penn Smith