

87439 ASPEN F-31544 Vol 1188 Page 7827  
**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 Klamath } ss.  
 } of

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: Donald W. Daniels or Catherine Daniels or PROPERTY ADDRESS: 3720 Cortez  
 EACH OF (If unknown, so state) Klamath Falls, Oregon 97601

Donald W. Daniels or

Catherine Daniels or

Occupant: 3720 Cortez

Klamath Falls, Oregon 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 January 20, 1988, 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.

ASPEN TITLE & ESCROW, INC.

By [Signature] Successor Trustee

Subscribed and sworn to before me this 28th day of December, 19 87.

(SEAL)

Notary Public for Oregon. My commission expires: 7-23-89

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

Donald W. Daniels

Catherine Daniels

Grantor

TO

Aspen Title & Escrow, Inc.

Successor Trustee

AFTER RECORDING, RETURN TO:

Aspen Title & Escrow, Inc.

600 Main Street

Klamath Falls, Oregon 97601

**STATE OF OREGON,**

County of       

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

BOOK OF SERVICE

# SHERIFF'S RETURN OF SERVICE

7828

STATE OF OREGON )

) ss.

County of Klamath )

Court Case No. \_\_\_\_\_

Sheriff's Case No. 87-4748

I hereby certify that I received on Dec. 29, 1987 the within:

- ( ) Summons & Complaint ( ) Summons & Petition ( ) Summons ( ) Complaint ( ) Petition  
 ( ) Subpoena ( ) Citation ( ) Order ( ) Motion ( ) Affidavit  
 ( ) Small Claim ( ) Restraining Order ( ) Order for Appearance of Judgement Debtor  
 ( ) Writ of Garnishment ( ) Order to Show Cause ( ) Order Waiving Fees and Costs

(X) TRUSTEE'S NOTICE OF SALE

for service on the within named: Donald W. Daniels, Catherine Daniels

(X) SERVED Catherine Daniels personally and in person.  
 at 3720 Cortez, Klamath Falls, OR

( ) SUBSTITUTE SERVICE - By leaving a true copy with Catherine Daniels for Donald W. Daniels,  
 a person over the age of fourteen years, who resides at the place of abode of the within named, at said  
 abode: ABOVE

( ) OFFICE SERVICE - By leaving a true copy with \_\_\_\_\_  
 the person in charge of the office maintained for the conduct of business by \_\_\_\_\_

( ) By leaving a true copy with \_\_\_\_\_ of said corporation.

( ) OTHER METHOD \_\_\_\_\_

( ) NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find  
 the within named: \_\_\_\_\_ within Klamath County.

All search and service was made within Klamath County, State of Oregon.

DATE AND TIME OF SERVICE OR NOT FOUND: Jan. 4, 1988 11:10 a.m.

TOM DURYEE, Sheriff  
 Klamath County, Oregon

By \_\_\_\_\_

Deputy

ASPEN F-31544  
TRUSTEE'S NOTICE OF SALE

7829

Reference is made to that certain trust deed made by DONALD W. DANIELS and CATHERINE DANIELS, husband and wife, as grantor, to TRANSAMERICA TITLE COMPANY, as trustee, in favor of TRANSAMERICA FINANCIAL SERVICES, as beneficiary, dated January 28, 19 83, recorded February 2, 19 83, in the mortgage records of Klamath County, Oregon, in book 260/160 No. M-83 at page 1660 ~~xxx~~ ~~xxxx~~ ~~xxxxx~~ (indicate which), covering the following described real property situated in said county and state, to-wit:

Lot 7 and the North 10 feet of Lot 6, Block 4, LENOX, 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 January, February, March, April, May, June, July, August, September, October, November and December of 1987, in the amounts of \$272.00 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: \$12,643.58 plus interest and late charges, thereon from January 2, 1987, at the rate of NINETEEN AND NINE-TENTHS (19.90%) PER CENT PER ANNUM until paid and all sums expended by the Beneficiary pursuant to the terms and provisions of the Note and Trust Deed.

WHEREFORE, notice hereby is given that the undersigned trustee will on May 20, 19 88, 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 December 21, 1987, ASPEN TITLE & ESCROW, INC.  
[Signature]  
Successor Trustee

State of Oregon, County of Klamath, ss: Assistant Secretary  
I, the undersigned, certify that I am the ~~attorney~~ ~~attorney~~ ~~attorney~~ 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

SERVE:

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.

STATE OF OREGON: COUNTY OF KLAMATH: ss:  
Filed for record at request of Aspen Title & Escrow the 19th day of May, A.D. 19 88 at 11:27 o'clock AM., and duly recorded in Vol. M88 of Mortgages on Page 7827  
By Evelyn Biehn County Clerk  
[Signature]

FEE \$20.00