

3219

K-41068  
AFFIDAVIT OF MAILING OF NOTICE OF SALE

STATE OF OREGON )  
 ) ss.  
 COUNTY OF LANE )

I, MICHAEL C. AROLA, being first duly sworn, depose and say:

1. I am the Successor Trustee of the Trust Deed described in the attached Trustee's Notice of Sale.

2. I served the attached Trustee's Notice of Sale upon the following parties by depositing original copies thereof in the United States Mail at Eugene, Oregon, on November 29, 1988:

Phillip M. Jones  
 7915 SE Gearhart  
 Klamath Falls, OR 97603

Jerome Pierce  
 3364 Nottingham  
 Plano, TX 75074

Pamela S. Jones  
 7915 SE Gearhart  
 Klamath Falls, OR 97603

I. Lorraine Pierce  
 3364 Nottingham  
 Plano, TX 75074

3. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below their names which, to the best of my knowledge, were their last known addresses as of the date of mailing. The copies were mailed by certified mail, return receipt requested, and by first class mail, with postage prepaid.

Michael C. Arola  
 MICHAEL C. AROLA

Signed and sworn to before me this 29th day of November, 1988, by MICHAEL C. AROLA.

Carol B. Mast  
 Notary Public for Oregon  
 My Commission Expires: 11-23-91

AFFIDAVIT OF MAILING OF NOTICE OF SALE

89 JUL 28 PM 3 06

## PROOF OF SERVICE

STATE OF OREGON

COUNTY OF Klamath

} ss.

I swear that I am competent person 18 years of age or older and a resident of the State of Oregon; that I am not a party to nor an officer, director, or employee of, nor attorney for any party, corporate or otherwise, named in the attached original Trustee's Notice of Sale; that I served the attached original Trustee's Notice of Sale on the following persons and that each person served is the identical one named in the trustee's instructions to me.

## Personal Service

On November 28, 1988, at 4:14 o'clock, P.M., I delivered the attached original Trustee's Notice of Sale to Pamela S. Jones in person, at 7915 SE Gearhart Klamath Falls, Or 97601

On \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., I delivered the attached original Trustee's Notice of Sale to \_\_\_\_\_ in person, at \_\_\_\_\_

On \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., I delivered the attached original Trustee's Notice of Sale to \_\_\_\_\_ in person, at \_\_\_\_\_

## Substitute Service

On November 28, 1988, at 4:14 o'clock, P.M., I served the attached Trustee's Notice of Sale on Phillip M. Jones by delivering a original copy to Pamela S. Jones, a person over the age of 14 years residing in said party's dwelling house or usual place of abode at 7915 SE Gearhart, Klamath Falls, Or 97601

On \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., I served the attached Trustee's Notice of Sale on \_\_\_\_\_ by delivering an original copy to \_\_\_\_\_, a person over the age of 14 years residing in said party's dwelling house or usual place of abode at \_\_\_\_\_

## Office Service

On \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., I left an original copy of the Trustee's Notice of Sale with \_\_\_\_\_, the person apparently in charge of the business office maintained by \_\_\_\_\_ at \_\_\_\_\_

On \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., I left an original copy of the Trustee's Notice of Sale with \_\_\_\_\_, the person apparently in charge of the business office maintained by \_\_\_\_\_ at \_\_\_\_\_

Signed and sworn to before me on NOVEMBER 29, 1988 by

ROSE M. GRIFFITH

Rose M. Griffith  
Jefferson State Adjutant  
Notary Public for Oregon  
My Commission Expires: 10-24-89

NOTICE OF SUBSTITUTE SERVICE

TO: Phillip M. Jones  
 7915 SE Gearhart  
 Klamath Falls, OR 97603

You are hereby notified that you were served with a Trustee's Notice of Sale, a true copy of which is attached hereto, by delivery of an original copy of the Notice of Sale at your dwelling house or usual place of abode indicated above, as follows:

Date and Time of Service: November 28, 1988, 4:14 p.m.

Person to Whom the Notice  
 Was Delivered: Pamela S. Jones

/s/ MICHAEL C. AROLA  
 MICHAEL C. AROLA,  
 Successor Trustee

AFFIDAVIT OF MAILING

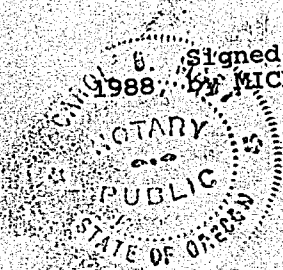
STATE OF OREGON )  
 ) ss.  
 COUNTY OF LANE )

I, MICHAEL C. AROLA, being first duly sworn, depose and say that:

I mailed an original Notice of Substitute Service, a true copy of which appears above, together with a true copy of the Notice of Sale referred to therein, by placing them in a sealed envelope, addressed as shown above and mailed by certified mail, return receipt requested, with postage prepaid in the United States Mail at Eugene, Oregon, on November 29, 1988.

Michael C. Arola  
 MICHAEL C. AROLA

Signed and sworn to before me this 29th day of November, 1988, by MICHAEL C. AROLA.



Carol B. Mart  
 Notary Public for Oregon  
 My Commission Expires: 11-23-91

NOTICE OF SUBSTITUTE SERVICE



TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

## 1. PARTIES:

Grantor: PHILLIP M. JONES and PAMELA S. JONES  
 Trustee: HARRY M. HANNA  
 Successor Trustee: MICHAEL C. AROLA  
 Beneficiary: THE BENJ. FRANKLIN FEDERAL SAVINGS AND LOAN ASSOCIATION

## 2. DESCRIPTION OF PROPERTY. The real property is described as follows:

As described on the attached Exhibit A.

## 3. RECORDING. The Trust Deed was recorded as follows:

Date Recorded: July 11, 1985  
 Book M85, Page 10728  
 Official Records of Klamath County, Oregon

4. DEFAULT. The Grantor or any other person obligated on the Trust Deed and Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$815.57 each, due the first of each month, for the months of July and August, 1988; and monthly payments in the amount of \$846.78 each, due the first of each month, for the months of September through November, 1988; plus late charges and advances; plus any unpaid real property taxes, plus interest.

5. AMOUNT DUE. The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$74,588.41 plus interest at an adjustable rate pursuant to the terms of the Promissory Note from June 1, 1988; plus late charges of \$317.88 and advances of \$1,896.97.

6. ELECTION TO SELL. The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

## 7. TIME OF SALE. The sale shall be held:

Date: April 6, 1989  
 Time: 9:30 a.m. as established by ORS 187.110  
 Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

8. RIGHT TO REINSTATE. Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and 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 in ORS 86.753.

NOTICE: The Beneficiary described above is the creditor to whom the debt is owed. Unless the Grantor described above or any other person obligated on Trust Deed and Note secured thereby (debtor) notifies this office within 30 days after receiving this notice that the debtor disputes the validity of the debt or any portion thereof, this office will assume this debt is valid. If the debtor notifies this office in writing within 30 days from receiving this notice, this office will: obtain verification of the debt or obtain a copy of a judgment and mail the debtor a copy of such judgment or verification. If the debtor requests this office in writing within 30 days after receiving this notice, this office will provide the debtor with the name and address of the original creditor, if different from the current creditor.

Any questions regarding this matter should be directed to Carol Mart, Legal Assistant, (503) 686-8511.

DATED: November 23, 1988.

/s/ MICHAEL C. AROLA

MICHAEL C. AROLA, Successor Trustee  
 HERSHNER, HUNTER, MOULTON, ANDREWS & NEILL  
 P.O. Box 1475  
 Eugene, OR 97440

*Return to*

Lot 5, Block 4, Tract No. 1002, LA WANDA HILLS, in the County of Klamath, State of Oregon, Excepting the Southern portion, more particularly described as follows:

Beginning at a 5/8 inch iron pin marking the most Southern corner of said Lot 5; thence North 00 degrees 01' 20" East along the West line of said Lot 5, 423.70 feet to a 1/2 inch iron pin; thence South 69 degrees 22' 33" East, 325.42 feet to a 1/2 inch iron pin on a point on curve of the Northerly right of way line of Gearhart Street from which the radius point of said curve bears North 68 degrees 19' 09" West, 248.85 feet; thence along the arc of a 248.85 foot radius curve to the right (delta = 26 degrees 19' 09": Long Chord = South 34 degrees 50' 25" West, 113.31 feet) 114.31 feet to a 5/8 inch iron pin at the end of curve; thence South 48 degrees 00' 00" West, 322.92 feet to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 28th day  
of July A.D., 19 89 at 3:06 o'clock P.M., and duly recorded in Vol. M89  
of Mortgages on Page 13917.

FEE \$28.00

Evelyn Biehn County Clerk

By Darlene Muelken