

OC

6131

Vol. m89 Page 18958

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON,

County of KLAMATH } ss.I, NEAL G. BUCHANAN

being first duly sworn, depose, say and certify that:

I am the SUCCESSOR.. trustee in that certain trust deed executed and delivered by Charles R. Chastain and Sheila Udell Chastain, husband and wife as grantor to Mountain Title Company of Klamath County as trustee, in which George K. Haynie and Lois A. Haynie, husband and wife is beneficiary, recorded on October 7, 1985, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M-85, at page 16204 or as fee/file/instrument/microfilm/reception No. (indicate which), covering the following described real property situated in said county:

Lots 12 and 13, Block 34, FIRST ADDITION TO KLAMATH FOREST ESTATES, according to the official plat thereof on file in the office of the County Clerk of Klamath County.

I hereby certify that on June 2, 1989, the above described real property was not occupied. The word "trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed first mentioned above.

Neal G. Buchanan
Successor Trustee

Subscribed, sworn to and acknowledged before me this 12 day of September, 1989.

(SEAL) VIVIENNE I. HUSTEAD
NOTARY PUBLIC-OREGON

My Commission Expires

Vivienne I. Hustead
Notary Public for Oregon

My Commission expires: 4-11-93TRUSTEE'S AFFIDAVIT
AS TO NON-OCCUPANCY

RE: Trust Deed from

Charles R. Chastain & Sheila Udell
to Mountain Title Company of Klamath
County Grantor

NEAL G. BUCHANAN to

Successor Trustee

AFTER RECORDING RETURN TO
NEAL G. BUCHANAN
Attorney at Law
601 Main St., Suite 215
Klamath Falls, OR 97601

(DON'T USE THIS
SPACE; RESERVED
FOR RECORDING
LABEL IN COUNTIES
WHERE USED.)

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/file/instrument/microfilm/reception No. , Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By Deputy

OA

18959

CERTIFICATE OF NON-MILITARY SERVICE

STATE OF OREGON,

County of KLAMATH

ss.

THIS IS TO CERTIFY That I am the Successor Trustee
 beneficiary in that certain trust deed in which Charles R. Chastain and Sheila Udell Chastain,
husband and wife as grantor, conveyed to Mountain Title Company of
Klamath County as trustee, certain real property in Klamath County, Oregon;
 which said trust deed was dated September 26, 1985, and recorded October 7, 1985,
 in the mortgage records of said county, in book/reel/volume M-85 at page 16204 or as fee/file/instrument/
 microfilm/reception No. 54091 (indicate which); thereafter a notice of default with respect to said trust deed
 was recorded May 26, 1989, in book/reel/volume M-89 at page 9212 of said
 mortgage records, or as fee/file/instrument/microfilm/reception No. 663 (indicate which); thereafter the
 said trust deed was duly foreclosed by advertisement and sale and the real property covered by said trust deed was
 sold at the trustee's sale on October 6th, 1989; I reasonably believe at no time during the period of
 three months and one day immediately preceding the day of said sale and including the day thereof, was the real prop-
 erty described in and covered by said trust deed, or any interest therein, owned by a person in the military service as
 defined in Article I of the "Soldiers' and Sailors' Civil Relief Act of 1940," as amended.

In construing this certificate the masculine includes the feminine, the singular includes the plural, the word
 "grantor" includes any successor in interest to the grantor, the word "trustee" includes any successor trustee, and the
 word "beneficiary" includes any successor in interest to the beneficiary named in said trust deed.

Neal G. Buchanan
 NEAL G. BUCHANAN

STATE OF OREGON,

County of KLAMATH

ss:

This instrument was acknowledged before me on October 6, 1989,

by NEAL G. BUCHANAN

(SEAL)

VIVIENNE L. HUSTEAD
NOTARY PUBLIC-OREGON

Vivienne L. Hustead
 Notary Public for Oregon

My commission expires 4-11-93

CERTIFICATE
OF NON-MILITARY SERVICE

Re Trust Deed from
CHASTAIN

Grantor

to
MOUNTAIN TITLE COMPANY

Trustee

AFTER RECORDING RETURN TO

(DON'T USE THIS
 SPACE; RESERVED
 FOR RECORDING
 LABEL IN COUNTIES
 WHERE USED.)

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 _____ on page
 _____, or as fee/file/instrument/
 microfilm/reception No. _____,
 of the _____
 Records of said County.

NAME

TITLE

By _____ Deputy

I, Deanna Azevedo, 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 _____

Legal #973

Trustee's Notice of Sale

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

(4 insertion s) in the following issue s:

August 9, 1989

August 16, 1989

August 23, 1989

August 30, 1989

Total Cost: \$250.24

Dianna L Girds

Subscribed and sworn to before me this 30
August 1989
 day of _____

Notary Public of Oregon

My commission expires _____

(COPY OF NOTICE TO BE PASTED HERE)

TRUSTEES NOTICE OF SALE

Reference is made to that certain trust deed made by CHARLES R. CHASTAIN and SHEILA UDELL CHASTAIN, husband and wife, as grantors, IN MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as trustee, in favor of GEORGE E. HAYWIE and LOIS A. HAYWIE, husband and wife, as beneficiary, dated September 26, 1967, recorded October 7, 1967 in 108-1 mortgage records of Klamath County, Oregon, in Volume No. M-25 at page 1624 or as 66-116-1 Chastain-Haywie Collin (recapition No. 248), covering the lots described hereinafter, situated in said county and state, to-wit:

LOT 34 AND LOT 35 FIRST ADDITION TO KLAAMATH FOREST ESTATES; according to the official plat thereof on file in the office of the County Clerk of Klamath County.

Both the grantors 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(2); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

A. Monthly payment in the sum of \$294.60 due on January 7, 1967, and to follow amount for each month thereafter.

B. Real property taxes for the tax year 1966 and thereafter.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed to be immediately due and payable; said sums being the following, to-wit:

A. \$11,263.80, plus interest at said sum at the rate of ten per centum from December 4, 1966, plus unpaid interest in the amount of \$274.60; B. Real property taxes unpaid as follows: 1966-67, \$146.68 plus interest; 1967-68, \$157.96 plus interest; 1968-69, \$157.96 plus interest; 1969-70, \$157.96 plus interest.

WHEREFORE, notice hereby is given, that the undersigned trustee will, on October 7, 1967, at the hour of 10 o'clock P.M., in accordance with the standard of filing established by ORS 86.735, at 205 Adams Street, Suite 101 in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction the highest bidder cash the interest in the said described real property owned by the grantor, had or had power to convey at the time of the sale, by him of the said trust deed, plus all sums and any interest which the grantor may owe on the interest acquired under the said obligation to said trust deed, to satisfy the foregoing obligations thereby secured, and the costs and expenses of sale, including reasonable attorneys' fees. Notice is further given that any person named in ORS 86.724 has 120 days after and three prior to five days before the date fixed for the sale, to have this foreclosure proceeding discontinued and the trust deed extinguished by payment to the beneficiaries of the balance due and interest thereon. The execution of this principal act would not then be due for nonpayment occurred and a bona fide purchaser without complicity of herein loan is capable of taking same. Any transfer of such interests resulting under the provisions of said statute shall be void and of no effect unless it is made in conformity with the full terms of said law. In addition to the full terms of said law, the defendant by payment to the beneficiaries of the balance due and interest and expenses of sale incurred in enforcing the obligation and trust deed together with attorney's fees and other not mentioned in the provisions provided by said ORS 86.724.

In compliance with notice the undersigned lender includes the following and to-wit: The lender includes the interest and unpaid principal, interest and expenses incurred by the grantor as well as any other person owing on the obligation. The proceeds of sale which are secured by said trust

NOTICE BY THE TRUSTEE
MOUNTAIN TITLE COMPANY
OF KLAMATH COUNTY,
OREGON

DATE: OCTOBER 7, 1967
BY: _____
MOUNTAIN TITLE COMPANY
OF KLAMATH COUNTY,
OREGON

RECORDED AT CLERK'S OFFICE
CLERK OF KLAMATH COUNTY
OCTOBER 7, 1967

FILED FOR RECORDING
OCTOBER 7, 1967

12-A-66

INSTRUCTIONS FOR SERVICE OF TRUSTEE'S NOTICE OF SALE UPON OCCUPANT
AND PROOF OF SERVICE

18961

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:

STATE OF OREGON

County of KLAMATH

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

OCCUPANT

Box 2

Sprague River, OR 97639

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 6, 19 89, 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.

SUCCESSOR

Trustee

Subscribed and sworn to before me this 30 day of May, 19 89

NOTARY PUBLIC-OREGON

My Commission Expires

(SEAL)

Notary Public for Oregon. My commission expires: 4-11-93

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 86.730(1))

RE: Trust Deed from

Charles R. Chastain & Sheila

Udell Chastain, husband & wife

Grantor

TO

Mountain Title Company of

Klamath County

Trustee

AFTER RECORDING, RETURN TO
Neal G. Buchanan
Attorney at Law
601 Main St., Ste. 215
Klamath Falls, OR 97601

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/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 DEBANCE

32805

KIDNEY ES113* 08 01201

PROOF OF SERVICE

18962



ESTATE OF JAMES E. BROWN

County of _____, State of _____.

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:

Personal Service Upon Individual(s)
 Upon _____, by delivering such true copy to him/her, personally and in person,
 at _____, on _____, 19____, at _____ o'clock ____M.
 Upon _____, by delivering such true copy to him/her, personally and in person,
 at _____, on _____, 19____, at _____ o'clock ____M.

Substituted Service Upon Individual(s)
 Upon _____, by delivering such true copy at his/her dwelling house
 or usual place of abode, to-wit: _____, 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: _____, 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.

Office Service Upon Individual(s)
 Upon _____, at the office which he/she maintains for the conduct of
 business of _____, the person who
 by leaving such true copy with _____, during normal working hours, at to-wit: _____ o'clock, ____M.
 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 _____, by
 (NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.)
 (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. _____ thereof;
 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.

SERVICE WAS ATTEMPTED. THE PREMISES ARE VACATED AND PRESENTLY NOT OCCUPIED.

James E. Brown
 6-2-89

Subscribed and sworn to before me this 6th day of September, 1989.

CHRISTINE I. HUSTEAD
 NOTARY PUBLIC-OREGON
 (SEAL)

Christine I. Hustead
 Notary Public for Oregon
 My commission expires 4-11-93

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.

OC

18963



AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Klamath, ss:I, NEAL G. BUCHANAN, being first duly sworn, depose, and say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

NAME

ADDRESS

CHARLES R. CHASTAIN and SHEILA UDELL CHASTAIN Box 2, Sprague River, OR 97639

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Neal G. Buchanan

Neal G. Buchanan, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on May 26, 1989. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Subscribed and sworn to before me this 26 day of May, 1989(SEAL) **VIVIENNE I. HUSTEAD**
NOTARY PUBLIC-OREGON

My Commission Expires

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.

Notary Public for Oregon. My commission expires 4-11-93

PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE

RE: Trust Deed from

CHARLES R. CHASTAIN and SHEILA UDELL
CHASTAIN

Grantor

MOUNTAIN TITLE COMPANY OF KLAMATH
COUNTY

Trustee

AFTER RECORDING RETURN TO

NEAL G. BUCHANAN
Attorney at Law
601 Main St., Suite 215
Klamath Falls, OR 97601(DON'T USE THIS
SPACE; RESERVED
FOR RECORDING
LABEL IN COUN-
TIES WHERE
USED.)

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 lee/file/instrument/microfilm/reception No. _____, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____ Deputy

OT

TRUSTEE'S NOTICE OF SALE

18964

Reference is made to that certain trust deed made by CHARLES R. CHASTAIN and SHEILA WDELL CHASTAIN, husband and wife, as grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as trustee, in favor of GEORGE K. HAYNIE and LOIS A. HAYNIE, husband and wife, as beneficiary, dated September 26, 1985, recorded October 7, 1985, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M-85 at page 16204, or as fee/file/instrument/microfilm/reception No. 54091 (indicate which), covering the following described real property situated in said county and state, to-wit:

Lots 12 and 13, Block 34, FIRST ADDITION TO KLAMATH FOREST ESTATES, according to the official plat thereof on file in the office of the County Clerk of Klamath County.

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 payment in the sum of \$294.60 due on January 7, 1987, and in a like amount for each month thereafter.
- Real property taxes for the tax year 1986 and thereafter.

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: A. \$11,503.80, plus interest on said sum at the rate of 10% per annum from December 4, 1986, plus unpaid interest in the amount of \$294.60. B. Real property taxes unpaid as follows: 1986-87, \$146.68 plus interest; 1987-88, \$151.96 plus interest; 1988-89, \$164.60 plus interest; 1989-90, \$164.60 plus interest; 1990-91, \$164.60 plus interest.

WHEREFORE notice hereby is given that the undersigned trustee will on October 6, 1989, at the hour of 1:30 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at 601 Main Street, Suite 215

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 rendering 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 May 26, 1989.

Neal G. Buchanan
Successor Trustee

STATE OF OREGON: COUNTY OF KLAMATH:

Filed for record at request of Neal G. Buchanan the 6th day of Oct. A.D., 19 89 at 3:00 o'clock PM., and duly recorded in Vol. M89 of Mortgages on Page 18958

FEE \$38.00

Evelyn Biehn County Clerk
By Caroline Mullendore