

6133

Vol. m87 Page 18977

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 Rodrigo R. Gonzalez, Jr., and Teresa G. Gonzalez, husband and wife as grantor to Aspen Title & Escrow, Inc. an Oregon corporation as trustee, in which Florence L. Stone is beneficiary, recorded on January 30, 1987, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M-87, at page 1603 or as fee/file/instrument/microfilm/reception No. (indicate which), covering the following described real property situated in said county:

Beginning at the Southwest corner of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 12, Township 39 South, Range 8 East of the Willamette Meridian, in the County of Klamath, State of Oregon; running thence East 264 feet; thence North 165 feet; thence West 264 feet; thence South 165 feet to the place of beginning.

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

Vivienne I. Husted  
Notary Public for Oregon  
My Commission expires: 4-11-93

(SEAL)

VIVIENNE I. HUSTEAD  
NOTARY PUBLIC-OREGON

My Commission Expires

TRUSTEE'S AFFIDAVIT  
AS TO NON-OCCUPANCY

RE: Trust Deed from  
Rodrigo R. Gonzalez, Jr., & Teresa  
G. Gonzalez to Aspen Title and  
Escrow, Inc. Grantor

to  
NEAL G. BUCHANAN

Successor Trustee

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

DO NOT USE THIS  
SPACE; RESERVED  
FOR RECORDING  
LABEL IN COUNTIES  
WHERE USED.

STATE OF OREGON, } ss.  
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

18978

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 RODRIGO R. GONZALEZ, JR. and TERESA G. GONZALEZ,  
husband and wife INC. as grantor, conveyed to ASPEN TITLE & ESCROW  
INC., as trustee, certain real property in KLAMATH County, Oregon;  
which said trust deed was dated January 2, 1987, and recorded January 30, 1987,  
in the mortgage records of said county, in book/reel/volume M-87 at page 1603, or as fee/file/instrument/  
microfilm/reception No. 70950 (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 9210 of said  
mortgage records, or as fee/file/instrument/microfilm/reception No. 662 (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 6, 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

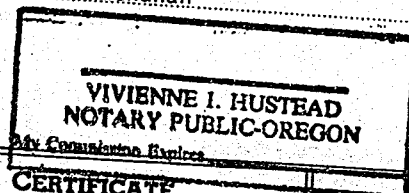
STATE OF OREGON,

County of KLAMATH

ss:

This instrument was acknowledged before me on October 6, 1989  
by Neal G. Buchanan

(SEAL)



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

CERTIFICATE  
OF NON-MILITARY SERVICE

Re Trust Deed from  
RODRIGO R. GONZALEZ, JR  
and TERESA G. GONZALEZ Grantor  
to  
ASPEN TITLE & ESCROW, INC. Trustee

AFTER RECORDING RETURN TO

NEAL G. BUCHANAN  
ATTORNEY AT LAW  
FIRST INTERSTATE BANK BUILDING  
601 MAIN ST., SUITE 215  
KLAMATH FALLS, OR 97601-6007  
(503) 882-6607

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

STATE OF OREGON

County of KLAMATH

ss.

I certify that the within instrument  
was received for record on the 6 day  
of October, 1989, at  
6 o'clock M., and recorded  
in book/reel/volume M-87 on page 1603,  
or as fee/file/instrument/  
microfilm/reception No. 70950,  
of the KLAMATH County.  
Records of said County.

NAME NEAL G. BUCHANAN TITLE Attorney at Law  
By NEAL G. BUCHANAN Deputy

# Affidavit of Publication

STATE OF OREGON,  
COUNTY OF KLAMATH

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 #972

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: \$255.68

Deanna L. Azevedo

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

My commission expires Jan 15 1990

Notary Public of Oregon

(COPY OF NOTICE TO BE PASTED HERE)

TRUSTEE'S NOTICE OF SALE  
Reference is made to that certain trust deed made by RODRIGO M. GONZALEZ, JR. and YERRENE G. GONZALEZ, his wife, as grantors to ASPEN TITLE & ESCROW, INC., an Oregon corporation, as trustee, in favor of FLORENCE L. STONE, as beneficiary, dated January 3, 1987, recorded January 30, 1987, in the Klamath County, Oregon, in 3 pages, 800 and 88, page 1603, or as fee/file/instrument/microfilm/reception: No. 70950, covering the following described real property located in said county and state, to-wit:  
Beginning at the Southeast corner of the NE 1/4 of the NE 1/4 of Section 12, Township 39 South, Range 8 EAST OF THE Willamette Meridian, in the county of Klamath, State of Oregon; running thence East 244 feet; thence North 145 feet; thence West 244 feet; thence South 145 feet to the place of beginning.  
Right 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:  
A. A portion of the monthly payments in the sum of \$215.00 due October 1, 1987, together with the entire monthly payment in the sum of \$430.00 due the 31st day of each month thereafter.

B. Real property taxes, as follows: 1987-88, \$441.12, plus interest; 1988-89, \$545.43, plus interest.

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. \$441.12, together with interest, on the said sum at the rate of 9% per annum from June 22, 1986; unpaid interest in the sum of \$2,214.90.

B. Real property taxes, as the amounts as follows: 1987-88, \$441.12, plus interest; 1988-89, \$545.43, plus interest.

WHEREFORE notice hereby is given that the undersigned trustee will, on October 6, 1989, at the hour of 1:30 P.M., in accordance with the standard of time established by ORS 187.110, at 401 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 successor 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 that said sale is 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 or persons on whom 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 this 22nd day of August, 1989.

Neal Buchanan, Trustee

1972 Aug. 9, 14, 23, 30, 1989



18980

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.

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

2919 Orindale Road  
Klamath Falls, OR 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 June 6, 1989, 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.

Subscribed and sworn to before me this 30 day of May, 1989

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 86.750(1))

RE: Trust Deed from  
RODRIGO R. GONZALEZ, JR. and  
TERESA G. GONZALEZ

Grantor

TO  
ASPEN TITLE & ESCROW, INC.

Trustee

AFTER RECORDING, RETURN TO

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

SPACE RESERVED

FOR

RECORDER'S USE

STATE OF OREGON,  
County of } ss.

I certify that the within instrument was received for record on the day of 1989, 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

## PROOF OF SERVICE

KINGMAN 19112' 08 21901

STATE OF

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:

## 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 at \_\_\_\_\_, by leaving such true copy with \_\_\_\_\_, the person who  
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.) who is a/the  
(a) delivering such true copy, personally and in person, to \_\_\_\_\_ thereat; OR  
(b) leaving such true copy with \_\_\_\_\_, the person who is apparently in charge of the  
office of \_\_\_\_\_, who is a/the \* \_\_\_\_\_ thereat;  
\* 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.

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

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(SEAL) NOTARY PUBLIC-OREGON  
VIVIENNE I. HUSTEAD

Terrence J. Husted  
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.

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

18982

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 beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain 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

RODRIGO R. GONZALEZ, JR., and TERESA G. GONZALEZ, husband and wife

2919 Orindale Road  
Klamath Falls, OR 97601

and

4460 Vrain Street  
Denver, Colorado 80212

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

....., 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.  
NEAL G. BUCHANAN  
NOTARY PUBLIC-OREGON  
(SEAL) My Commission Expires 4-11-93

\* 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.  
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

RODRIGO R. GONZALEZ, JR., and  
TERESA G. GONZALEZ

Grantor

TO  
ASPEN TITLE & ESCROW, INC.

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



18983

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by RODRIGO R. GONZALEZ, JR., and TERESA G. GONZALEZ, husband and wife, as grantor, to ASPEN TITLE & ESCROW, INC., an Oregon Corporation, as trustee, in favor of FLORENCE L. STONE, as beneficiary, dated January 7, 1987, recorded January 30, 1987, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M-87, at page 1603, or as fee/file/instrument/microfilm/reception No. 70950 (indicate which), covering the following described real property situated in said county and state, to-wit:

Beginning at the Southwest corner of the NE $\frac{1}{4}$  of the Section 12, Township 39 South, Range 8 EAST OF THE Willamette Meridian, in the County of Klamath, State of Oregon; running thence East 264 feet; thence North 165 feet; thence West 264 feet; thence South 165 feet to the place 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:

- A. A portion of the monthly payments in the sum of \$215.00 due October 5, 1987, together with the entire monthly payment in the sum of \$430.00 due the 5th day of each month thereafter.
- B. Real property taxes as follows: 1987-88, \$641.12, plus interest 1988-89, 645.43, plus interest

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. \$41,617.23, together with interest on the said sum at the rate of 9% per annum from June 22, 1988; unpaid interest in the sum of \$2,214.90.
- B. Real property taxes in the amounts as follows: 1987-88, \$641.12, plus interest 1988-89, 645.43, plus interest October 6, 1989.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 6, 1989 at the hour of 1:50 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at 601 Main Street, Suite 215, County of Oregon, 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. 1989 at 3:00 o'clock P.M., and duly recorded in Vol. M89 of Mortgages on Page 18977

By Evelyn Biehn, County Clerk  
Carlene Mullenders

FEE: the fee of \$38.00 was paid to the clerk of the court for the recording of this notice of sale.