

9824

ASPEN FORECLOSURE 04033504  
 INSTRUCTIONS FOR SERVICE OF TRUSTEE'S NOTICE OF SALE UPON OCCUPANT  
 AND PROOF OF SERVICE

Vol. M90 Page 275

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

PROPERTY ADDRESS

(If unknown, so state)

Joseph J. Arterbury or

Helen L. Arterbury or

Occupant

4418 Boardman Avenue

Klamath Falls, OR 97603

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 September 1, 1989, 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.

ASPEN TITLE &amp; ESCROW, INC.

BY: Quinn Patton

(Attorney for) Trustee

Subscribed and sworn to before me this 31st day of August, 1989

(SEAL)

Notary Public for Oregon. My commission expires: March 4, 1992

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

Joseph J. Arterbury

Helen L. Arterbury

Grantor

TO

Aspen Title &amp; Escrow, Inc.

Trustee

AFTER RECORDING, RETURN TO

Aspen Title &amp; Escrow, Inc.

600 Main Street

Klamath Falls, OR 97603

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

## SHERIFF'S RETURN OF SERVICE

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STATE OF OREGON )  
 ) ss.  
County of Klamath )

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

Sheriff's Case No. 89-2914I hereby certify that I received on September 5, 1989 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: JOSEPH J. ARTERBURY, HELEN L. ARTERBURY

(X) SERVED JOSEPH J. & HELEN L. ARTERBURY personally and in person.  
at 4618 Boardman, Klamath Falls, OR

( ) SUBSTITUTE SERVICE - By leaving a true copy with \_\_\_\_\_,  
a person over the age of fourteen years, who resides at the place of abode of the within named, at said  
abode: \_\_\_\_\_

( ) 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 \_\_\_\_\_

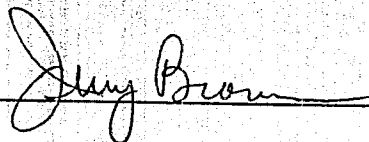
( ) NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find  
the within named: \_\_\_\_\_ within Klamath County.

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

DATE AND TIME OF SERVICE OR NOT FOUND: September 7, 1989 3:45 p.m.

Carl R. Burkhardt, Sheriff  
Klamath County, Oregon

By \_\_\_\_\_



Deputy

OS

## ASPEN FORECLOSURE 04033504

## TRUSTEE'S NOTICE OF SALE

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Reference is made to that certain trust deed made by JOSEPH J. ARTERBURY and HELEN L. ARTERBURY, husband and wife, as grantor, to ASPEN TITLE, as trustee, in favor of TRANSAMERICA FINANCIAL SERVICES, as beneficiary, dated April 25, 1986, recorded April 28, 1986, in the mortgage records of Klamath County, Oregon, in book/~~187-XXXXXX~~ No. M-86 at page 7231 ~~XXXXXX~~ ~~as the beneficiary, not a party to the deed, for the purpose of recording the same, covering the following described real property situated in said county and state, to-wit:~~

Lots 13 and 14, Block 11, ST FRANCIS PARK, in the County of Klamath, State of Oregon.

CODE 41 MAP 3909-2CA TL 8300 Key No. 519200

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 and late charges, thereon from November and December of 1988, January, February, March, April, May, June, July and August of 1989 in the amounts of \$520.00 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:

\$28,117.98 plus interest and late charges, thereon from October 30, 1988, at the rate of EIGHTEEN AND ONE-HALF (18.5%) 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 January 8, 1990, 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 for breach 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 August 30, 1989

ASPEN TITLE & ESCROW, INC.

BY: Andrew A. Patterson

Trustee

State of Oregon, County of Klamath ss. Assistant Secretary

I, the undersigned, certify that I am the ~~attorney in fact~~ ~~attorney for the above named trustee~~ and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Andrew A. Patterson  
Assistant Secretary

~~XXXXXX~~  
Attorney for said Trustee

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 5th day of Jan. A.D., 1990 at 10:49 o'clock A.M., and duly recorded in Vol. M90 of Mortgages on Page 275.

FEE \$18.00

Evelyn Biehn County Clerk

By Caroline Mullender