

13136

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

Vol. m90 Page 6184

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

STATE OF OREGON

County of Josephine

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

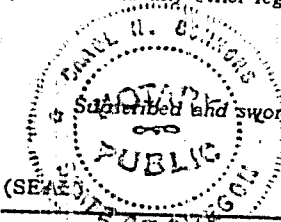
Dorothy E. Finkbiener or Occupant

121 Front Street, Merrill, OR 97633

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 NOV 23, 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.



(Attorney for) Trustee

Subscribed and sworn to before me this 30th day of November, 1989.

Carol M. Connors

Notary Public for Oregon. My commission expires: 6-13-92

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

Grantor

TO

Trustee

AFTER RECORDING RETURN TO

Patrick J. Kelly

1200 NE Seventh St.

Grants Pass, Or. 97526

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 \_\_\_\_\_, 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

STATE OF OREGON )  
COUNTY OF KLAMATH )

COURT CASE NO  
SHERIFF'S CASE NO 89 3981  
DATE RECEIVED FOR SERVICE 12/07/89

I HEREBY CERTIFY THAT I RECEIVED FOR SERVICE ON  
DOROTHY E FINKBIENER

THE WITHIN:  
TRUSTEE'S NOTICE OF SALE

DOROTHY E FINKBIENER  
WAS SERVED PERSONALLY AND IN PERSON AT  
121 MERRILL OR 97633  
ON DECEMBER 15, 1989 AT 5:30 PM

ALL SEARCH AND SERVICE WAS MADE WITHIN KLAMATH COUNTY,  
STATE OF OREGON.

CARL R. BURKHART, SHERIFF  
KLAMATH COUNTY, OREGON

BY

B. W. Middlebrooks  
MIDDLEBROOKS

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Dorothy E. Finkbiener, as grantor, to Klamath County Title Company as trustee, in favor of Frank Fleet and Anna-Belle Fleet, husband and wife, or survivor, as beneficiary, dated March 7, 1989, recorded March 9, 1989 in the mortgage records of Klamath County, Oregon, in volume No. M89 at page 4090, or as instrument No. 97894 covering the following described real property situated in said county and state, to-wit:

See attached Exhibit "A"

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:

August 7, 1989 monthly installment of \$208.00 plus,  
September 7, 1989 monthly installment of \$208.00 plus,  
October 7, 1989 monthly installment of \$208.00 plus,  
Late charges of \$62.40

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:

The unpaid principal balance of \$15,600.00 with interest thereon at the rate of 16% per annum from July 7, 1989, until paid.

WHEREFORE, notice is hereby given that the undersigned trustee will on March 2, 1990, at the hour of 2:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at Front entrance of Klamath Falls Courthouse, 316 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 said described real property which the grantor had or had power to convey at the time of the execution by him of 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

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 November 17, 1989

  
Patrick J. Kelly, Trustee

State of Oregon, County of Josephine ss:

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

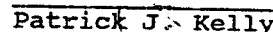
  
Patrick J. Kelly  
Attorney for said Trustee

Exhibit "A"

A piece or parcel of land situated in Lots 51 and 52 of MERRILL TRACTS, a platted portion of Klamath County in the City of Merrill, Oregon, being more particularly described as follows: Beginning at a 5/8 inch aluminum capped iron pin from which the Northeast corner of Section 11, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, bears North 40.0 feet and East 355.3 feet distant, said point of beginning also being on the South right-of-way of the Oregon State Highway No. 50; thence West along the South right-of-way of said highway 70.0 feet to a 5/8 inch aluminum capped iron pin; thence South 60.0 feet to a 5/8 inch aluminum capped iron pin; thence East 70.0 feet to a 5/8 inch aluminum capped iron pin; thence North 70.0 feet, more or less, to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Patrick J. Kelly the 4th day  
of April A.D., 19 90 at 2:30 o'clock P.M., and duly recorded in Vol. M90  
of Mortgages on Page 6184

FEE \$23.00

Evelyn Biehn County Clerk

By Candace Mulvender