

15827

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

Vol. 190 Page 10956

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

2002 -

2006 Oregon Avenue

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 2-16, 1990, 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.

Bradford J. Aspell
(Attorney for) Trustee

Subscribed and sworn to before me this 31st day of Jan., 1990

Shirley F. Hamel
Notary Public for Oregon. My commission expires: 12-12-92

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:

Bradford J. Aspell
Aspell, Della-Rose & Richard
122 South 5th St.
Klamath Falls, Oregon 97601SPACE 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

RETURN OF SERVICE

STATE OF OREGON)
 County of Klamath)

COURT CASE NO. _____

I HEREBY CERTIFY THAT on 2-2-90 the within:
☐ Summons & Complaint ☐ Summons & Petition ☐ Summons
☐ Complaint ☐ Petition ☐ Answer
☐ Motion ☐ Affidavit ☐ Order
☐ Order to Show Cause ☐ Restraining Order ☐ Subpoena
☐ Citation ☐ Small Claim ☐ Notice
☐

for service on the within name named: Brenda Fuller

(X) SERVED: Brenda Fuller ^{Donal Gary} personally and in person
 at 2002 Oregon Ave K Falls

☐ 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 _____

☐ CORPORATE: 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: 2-2-90 4:20 PM

I FURTHER CERTIFY that I am a competent person 18 years of age or older
 and a resident of the state of service or the state of Oregon and that I
 am not a party to nor an officer, director or employee of, not attorney
 for any party, corporate or otherwise; that the person, firm or
 corporation served by me is the identical person, firm or corporation
 named in the action.

By: Leroy L. Driffin

(Offman)

RETURN OF SERVICE

STATE OF OREGON)
)
 County of Klamath)

COURT CASE NO. _____

I HEREBY CERTIFY THAT on

2-7-90

the within:

- | | | |
|--|---|-----------------------------------|
| <input type="checkbox"/> Summons & Complaint | <input type="checkbox"/> Summons & Petition | <input type="checkbox"/> Summons |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition | <input type="checkbox"/> Answer |
| <input type="checkbox"/> Motion | <input type="checkbox"/> Affidavit | <input type="checkbox"/> Order |
| <input type="checkbox"/> Order to Show Cause | <input type="checkbox"/> Restraining Order | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Citation | <input type="checkbox"/> Small Claim | <input type="checkbox"/> Notice |
| <input type="checkbox"/> | | |

for service on the within name named: _____

☐ SERVED: BOB Langfield personally and in person
 at 2006 Oregon ave

☐ 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 _____

☐ CORPORATE: 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: 2-7-90 7:22 PM

I FURTHER CERTIFY that I am a competent person 18 years of age or older
 and a resident of the state of service or the state of Oregon and that I
 am not a party to nor an officer, director or employee of, nor attorney
 for any party, corporate or otherwise; that the person, firm or
 corporation served by me is the identical person, firm or corporation
 named in the action.

By: Jerry L Griffin

(Offman)

RETURN OF SERVICE

10959

STATE OF OREGON)
County of Klamath)

COURT CASE NO. _____

I HEREBY CERTIFY THAT on 2-7-90 the within:
☐ Summons & Complaint ☐ Summons & Petition ☐ Summons
☐ Complaint ☐ Petition ☐ Answer
☐ Motion ☐ Affidavit ☐ Order
☐ Order to Show Cause ☐ Restraining Order ☐ Subpoena
☐ Citation ☐ Small Claim ☐ Notice

☒ claim of construction lien labor & or materials

for service on the within name named: Charles Smith

☒ SERVED: Charles Smith personally and in person
at 1990 Arlington K Falls Or. 97601

☐ 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 _____

☐ CORPORATE: 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: 2-7-90 6:10 PM

I FURTHER CERTIFY that I am a competent person 18 years of age or older
and a resident of the state of service or the state of Oregon and that I
am not a party to nor an officer, director or employee of, not attorney
for any party, corporate or otherwise; that the person, firm or
corporation served by me is the identical person, firm or corporation
named in the action.

By: Darryl L. Griffin

(Offman)

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

10960 

STATE OF OREGON, County of Klamath, SS:

I, Bradford J. Aspell

, 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

James E. Smith

2006 Oregon Avenue
Klamath Falls, OR 97601

2219 Laurel St.
Klamath Falls, OR 97601

Lotus Management, Inc.

%Mr. Bruce E. Huffman
Attorney at Law
409 Pine St.
Klamath Falls, OR 97601

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.*

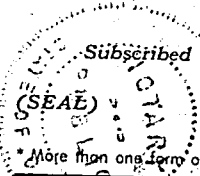
Each of the notices so mailed was certified to be a true copy of the original notice of sale by.....

Bradford J. Aspell

....., 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 February 1, 19 90. 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 31st day of Jan, 19 90

 Shirley F. Tamm
Notary Public for Oregon. My commission expires 10-12-92

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

Grantor

TO

Trustee

AFTER RECORDING RETURN TO

Bradford J. Aspell
Aspell, Della-Rose & Richard
122 S. 5th St.
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 fee/file/instrument/microfilm/reception No., Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By Deputy

ON

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

10961

STATE OF OREGON, County of KLAMATH, ss:

I, SHIRLEY HAMIL

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

JAMES E. SMITH

2006 OREGON AVENUE
KLAMATH FALLS, OR 97601

2219 LAUREL ST.
KLAMATH FALLS, OR 97601

LOTUS MANAGEMENT, INC.

C/O MR. BRUCE E. HUFFMAN
ATTORNEY AT LAW
409 PINE ST.
KLAMATH FALLS, OR 97601

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 BRADFORD J. ASPELL, 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 FEBRUARY 23, 1990. 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 23RD day of FEBRUARY, 1990.

(SEAL)

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

Grantor

TO

Trustee

AFTER RECORDING RETURN TO

BRADFORD J. ASPELL
ASPELL, DELLA-ROSE & RICHARD
122 S. 5TH STREET
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 fee/file/instrument/microfilm/reception No. _____, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____ Deputy

Affidavit of Publication

10962

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

aforsaid county and state; that the

LEGAL #1558

TRUSTEES NOTICE

a printed copy of which is hereto annexed,

was published in the entire issue of said

newspaper for FOUR

(4 insertions) in the following issues:

APRIL 24, 1990

MAY 1, 1990

MAY 8, 1990

MAY 15, 1990

Total Cost: \$250.24

Deanna Azevedo

Subscribed and sworn to before me this 15TH

day of MAY 19 90

[Signature]
Notary Public of Oregon

My commission expires 1994

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Brandford J. Aspell the 6th day
of June A.D., 19 90 at 4:33 o'clock P.M., and duly recorded in Vol. M90
of Mortgages on Page 10956

FEE \$38.00

Evelyn Biehn, County Clerk

By Deanna Azevedo

(COPY OF NOTICE TO BE PASTED HERE)

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by James E. Smith, as grantor, to Aspen Title & Escrow, Inc. which duties are assigned to

Continued from Page 21

Bradford J. Aspell, Attorney at Law, an active member of the Oregon State Bar, by appointment of successor trustee dated 12-7-89, recorded at Volume M89, page 2433 of the Klamath County Mortgage Records, a successor trustee, as trustee, in favor of Frederick H. Lange, Jr. & Frances E. Lange, husband & wife, as beneficiaries, dated May 15, 1987, recorded May 21, 1987, in the mortgage records of Klamath County, Oregon in book/ reel/ volume No. M87 at page 8762, covering the following described real property situated in said county and state, to-wit:

Lots 7, 8, 9 & 9A, Block 71, Buena Vista Addition to the City of Klamath Falls, in the County of Klamath, State of Oregon.

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:

TAXES	\$3,851.55
SPAYMENTS @ \$570.47	\$2,852.35
INSURANCE	\$1,407.00
LATE PAYMENTS THROUGH 1-10-90	\$10,240.00
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:	
INSURANCE	\$1,407.00
TAXES	\$3,851.55
UNPAID PRINCIPAL BALANCE	\$64,380.92
UNPAID INTEREST	
THROUGH 1-20-90	\$4,128.66
LATE PAYMENTS THROUGH 1-20-90	\$10,240.00

WHEREFORE, notice hereby is given that the undersigned trustee will on June 26, 1990, at the hour of 10:00 o'clock, a.m., in accordance with the standard of time established by ORS 187.110, inside the front foyer of the Klamath County Courthouse, 326 Main St. 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 1-31, 1990.
Bradford J. Aspell, Trustee
#1558 April 24, May 1, 8, 15, 1990