

18617

AMENDED TRUSTEE'S NOTICE OF SALE

Vol. m90 Page 15883Reference is made to that certain trust deed made by Jesus Maria Lopez and James M. Lopez

MOUNTAIN TITLE COMPANY

in favor of Robert L. Moody and Janet A. Moody, as tenants by the entirety, as*, as beneficiary,
 dated February 3, 1983, recorded February 8, 1983, in the mortgage records of
Klamath County, Oregon, in book/reel/volume No. M-83 at page 2005, or
 as fee/file/instrument/microfilm/reception No. 20259 (indicate which), covering the following described real
 property situated in said county and state, to-wit:

Township 34 South, Range 9 East of the Willamette Meridian, Klamath County,
 Section 20: The N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$

*as Trustees under that certain Declaration of Trust dated November 8, 1977.

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. Monthly payment in the sum of \$102.00 due the 8 day of June, 1986, together with payment due the eighth day of each and every month thereafter.

B. Failure of the grantor to pay real property taxes for the fiscal years 1988-89 in the sum of \$155.88, plus interest; and the tax year 1989-90 in the sum of \$164.29, 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. Principal sum of \$1,228.67, together with interest on said sum at the rate of 10% per annum from May 26, 1988, until paid.

B. Real property taxes in the sums as follows:
 1988-89 - \$155.55, plus interest, and 1989-90 - \$164.29, plus interest

WHEREFORE, notice hereby is given that the undersigned trustee will on AUGUST 8, 1990, 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 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 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 March 29, 1990

Neal Buchanan
 Successor Trustee

State of Oregon, County of Klamath 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.

 Attorney for said Trustee

SERVE: _____

If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of party to be served.

80
21
AUG 8 PM 12:00

OC

15884

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

Jesus Maria Lopez and James M.
Lopez

13522 Fair Ford
Norwalk, CA 90650

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.....March.....29....., 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.....29.....

NEAL G. BUCHANAN, Successor Trustee
day of.....March....., 1990.

(SEAL)

VIVIENNE I. HUSTEAD
NOTARY PUBLIC-OREGON

Notary Public for Oregon. 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
Jesus Maria Lopez and James M.
Lopez.....

Grantor

TO
MOUNTAIN TITLE COMPANY.....

Trustee

AFTER RECORDING RETURN TO
Neal G. Buchanan
Attorney at Law
601 Main Street, 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 fee/file/instrument/microfilm/reception No., Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By..... Deputy

15885



ON

AMENDED

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 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

Jesus Maria Lopez and James M. Lopez

13522 Fair Ford
Norwalk, CA 90650

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 June 27, 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 27 day of June, 1990

VIVIENNE I. HUSTEAD
(SEAL) NOTARY PUBLIC-OREGON

My Commission Expires

Cherene I. Hustead
Notary Public for Oregon. 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.

AMENDED
**AFFIDAVIT OF MAILING/TRUSTEE'S
NOTICE OF SALE**

RE: Trust Deed from

Jesus Maria Lopez and James M. Lopez

Grantor

TO

Mountain Title Company

Trustee

AFTER RECORDING RETURN TO

Neal G. Buchanan
Attorney at Law
601 Main Street, Ste. 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 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

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 #1709

LOPEZ

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: _____

JUNE 1, 1990

JUNE 8, 1990

JUNE 15, 1990

JUNE 22, 1990

(COPY OF NOTICE TO BE PASTED HERE)

TRUSTEE'S NOTICE OF SALE
Reference is made to that certain Trust deed made by Heidi Marie Lopez and James M. Lopez, as grantors, to MOUNTAIN TITLE COMPANY, as trustee, in favor of Robert L. Moody and Janet A. Moody, as grantees by the entirety, as Trustees under that certain Declaration of Trust dated November 1, 1977, beneficiary dated February 1, 1980, recorded February 5, 1981 in the marriage records of Klamath County, Oregon, in book/real volume 146, at page 200, or as fee file/instrument/microfilm/recording No. 20237, covering the following described real property situated in said county and state, to-wit:

Township 24 South, Range 9 East of the Willamette Meridian, Klamath County, Section 20; The NW 1/4 of the SE 1/4 of the SE 1/4.

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. Monthly payment in the sum of \$102.00 due the 8 day of June, 1990, together with payment due the eighth day of each and every month thereafter.

B. Failure of the grantor to pay real property taxes for the fiscal years 1989-89 in the sum of \$155.88, plus interest; and the tax year 1989-90 in the sum of \$164.29, 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. Principal sum of \$1,228.47, together with interest on said sum at the rate of 10% per annum from May 26, 1989 until paid.

B. Real property taxes in the sums as follows: 1989-89 - \$155.88, plus interest; and 1989-90 - \$164.29, plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 8, 1990, at the hour of 1:30 o'clock, P.M., in accord 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 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 86.735 has

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 March 29, 1990
NEAL BUCHANAN
Recorder/Trustee

OC

15887

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 Jesus Maria Lopez and James M. Lopez as grantor to MOUNTAIN TITLE COMPANY as trustee, in which Robert L. Moody and Janet Moody, as tenants by the entirety, as Trustees under that is beneficiary, recorded on February 8, 1983, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M-83, at page 2005 or as fee/file/instrument/microfilm/reception No. 20259 (indicate which), covering the following described real property situated in said county:

Township 34 South, Range 9 East of the Willamette Meridian, Klamath County, Section 20: The N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$

*under that certain Declaration of Trust dated November 8, 1977.

I hereby certify that on March 29, 1990, 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 29 day of March, 1990

(SEAL)

VIVIENNE I. HUSTEAD
NOTARY PUBLIC-OREGON

Vivienne I. Hustead
Notary Public for Oregon

My Commission expires: 4-11-93

TRUSTEE'S AFFIDAVIT
AS TO NON-OCCUPANCY

RE: Trust Deed from
Jesus Maria Lopez and James M.
Lopez

Grantor

to

MOUNTAIN TITLE COMPANY

Trustee

AFTER RECORDING RETURN TO

Neal G. Buchanan
Attorney at Law
601 Main Street, Suite 215
Klamath Falls, OR 97601

(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 8th day of Aug., 1990, at 12:08 o'clock P.M., and recorded in book/reel/volume No. 190 on page 15883 or as fee/file/instrument/microfilm/reception No. 18617 Record of Mortgages of said County.

Witness my hand and seal of
County affixed.

Evelyn Biehn, County Clerk

NAME

TITLE

By Pauline Mulder Deputy

Fee \$28.00