

99812

Vol. m89 Page 7682
TRUSTEE'S NOTICE OF DEFAULT
AND ELECTION TO SELL AND OF SALE Vol. m90 Page 17540

19608

Reference is made to that Trust Deed wherein Emil Kenneth Embrey and Sharon Lee Embrey, formerly Sharon Lee Sherman, is Grantor; William L. Sisemore, is Trustee; and Klamath First Federal Savings and Loan Association, is Beneficiary, recorded in Official/Microfilm Records, Vol. M87, Page 1522, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon:

A parcel of land situated in the SE $\frac{1}{4}$ of Section 30, Township 39 South, Range 10 E.W.M., more particularly described as follows:
 Commencing at the quarter section corner common to Sections 29 and 30, said Township and Range; thence S.0°18'51"W. along the East line of said Section 30, a distance of 883.9 feet; thence S.89°22'40"W. a distance of 30.0 feet to the West line of Reeder Road and the true point of beginning of this description; thence S.88°52'20"W. a distance of 1305 feet to the Northeast corner of parcel described in Volume M79 page 20479, Deed Records of Klamath County, Oregon; thence S.0°28'51"W. along the East line of last mentioned parcel a distance of 414.69 feet to the Southeasterly corner thereof; thence N.47°50'E. a distance of 76.69 feet to a 5/8 inch iron pin; thence N.82°18'30"E., 1072.00 feet to a 5/8 inch iron pin; thence S.34°30'E., 37.23 feet to a 5/8 inch iron pin; thence N.89°42'E., 124.45 feet to a 5/8 inch iron pin on the West boundary of Reeder Road; thence N.0°18'51" E. along said road boundary 356.52 feet to the true point of beginning.

No action is pending to recover any part of the debt secured by the trust deed.

The obligation secured by the trust deed is in default because the grantor has failed to pay the following:
 Payment due November 15, 1988, in the amount of \$1,021.00; December 15, 1988 in the amount of \$1,021.00; January 15, 1989, February 15, 1989, March 15, 1989 and April 15, 1989, in the amount of \$1,035.00, plus late charges

The sum owing on the obligation secured by the trust deed is:
 \$71,479.46 plus interest at the rate of 7.625% from February 1, 1989.

plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

Beneficiary has and does elect to sell the property to satisfy the obligation pursuant to ORS 86.705 to 86.795.

The property will be sold as provided by law on September 14, 1989, at 10:00 o'clock A.m. based on standard of time established by ORS 187.110 at 540 Main St., #301, Klamath Falls, Klamath County, Oregon.

Interested persons are notified of the right under ORS 86.753 to have this proceeding dismissed and the trust deed reinstated by payment of the entire amount then due, other than such portion as would not then be due had no default occurred, together with costs, trustee's and attorney's fees, and by curing any other default complained of in this Notice, at any time prior to five days before the date last set for sale.

Dated: May 4, 19 89.

William L. Sisemore, Trustee

STATE OF OREGON, County of Klamath, ss
 The foregoing was acknowledged before me on May 4, 19 89 by William L. Sisemore,

William L. Sisemore Notary Public for Oregon — My Commission Expires: August 2, 1991
 Certified to be a true copy: _____ Attorney for Trustee

STATE OF OREGON, County of Klamath, ss
 Filed for record on May 4, 19 89 at 1:07 o'clock P.m.
 and recorded in M89 page 7682 of Official/Microfilm Records

Evelyn Biehn, Klamath Falls, Oregon by Caroline Muelendare, Deputy

Fee: \$8.00

After recording return to:

William L. Sisemore
 540 Main St., #301
 Klamath Falls, Or. 97601

INDEXED
 D✓✓

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Klamath, ss:

17541

I, William L. Sisemore, 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

Pacific Power & Light Company

500 Main St., Klamath Falls, Or. 97601

Mortgage Insurance Accounting, OFA

Department of Housing & Urban Development
Washington, D.C. 20410

Emil Kenneth Embrey

8906 Reeder Road, Klamath Falls, Or. 97603

Sharon Lee Embrey

8906 Reeder Road, Klamath Falls, Or. 97603

Yamaha International Corp

6600 Orangethorpe Ave

Buena Park, Calif.

c/o Samuels, Yoelin, Weiner, Kantor, Seymour
4640 SW Macadam Ave., Suite 200
Portland, Or. 97201

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.....

William L. Sisemore

....., 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, Oregon, on May 4, 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.

William L. Sisemore

Subscribed and sworn to before me this 4th day of May, 1989

(SEAL)

Alvin J. Sisemore
Notary Public for Oregon. My commission expires 8/2/91

* 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

Wm. L. Sisemore, Atty at Law
540 Main St, #301
Klamath Falls, Or. 97601

DON'T USE THIS
SPACE: RESERVED
FOR RECORDING
LABEL IN COIN
TIES WHEN
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 lec./file/instrument/microfilm/reception No. Record of Mortgages of said County.

Witness my hand and seal of County affixed.

By NAME TITLE
By Deputy

OK

AMENDED TRUSTEE'S NOTICE OF SALE (after release from stay)

17542



Reference is made to that certain trust deed made by Emil Kenneth Embrey and Sharon Lee Embrey,
formerly Sharon Lee Sherman
William L. Sisemore, as grantor, to
Klamath First Federal Savings and Loan Association, as trustee,
 dated January 26, 1987, recorded January 30, 1987, in the mortgage records of
Klamath County, Oregon, in ~~book~~ volume No. M87 at page 1522,
~~file/instrument/record/reception No.~~ x x x x x x x x (indicate which), covering the following described real
 property situated in said county and state, to-wit:

A parcel of land situated in the SE $\frac{1}{4}$ of Section 30, Township 39 South, Range 10 E.W.M., more particularly described as follows:

Commencing at the quarter section corner common to Sections 29 and 30, said Township and Range; thence S.0°18'51"W. along the East line of said Section 30, a distance of 883.9 feet; thence S.89°22'40"W. a distance of 30.0 feet to the West line of Reeder Road and the true point of beginning of this description; thence S.88°52'20"W. a distance of 1305 feet to the Northeast corner of parcel described in Volume M79 page 20479, Deed Records of Klamath County, Oregon; thence S.0°18'51"W. along the East line of last mentioned parcel a distance of 414.69 feet to the Southeasterly corner thereof; thence N.47°50'E. a distance of 76.69 feet to a 5/8 inch iron pin; thence N.82°28'30"E., 1072.00 feet to a 5/8 inch iron pin; thence S.34°30'E., 37.23 feet to a 5/8 inch iron pin; thence N.89°42'E., 124.45 feet to a 5/8 inch iron pin on the West boundary of Reeder Road; thence N.0°18'51" E. along said road boundary 356.52 feet to the true point 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: Payment due November 15, 1988, in the amount of \$1,021.00; December 15, 1988, in the amount of \$1,021.00; January 15, 1989, February 15, 1989, March 15, 1989, April 15, 1989, in the amount of \$1,035.00, plus payments accruing since May 4, 1989, plus late charges.

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:

\$71,479.46 plus interest at the rate of 7.625% from February 1, 1989.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on September 14, 1989, at the hour of 10:00 o'clock A.M., in accord with the standard of time established by ORS 187.110, at 540 Main St., #301 in the City of Klamath Falls, County of Klamath, State of Oregon; however, subsequent to the recording of said Notice of Default the original sale proceedings were stayed by order of the court or by proceedings under the National Bankruptcy Act or for other lawful reason. The beneficiary did not participate in obtaining such stay. Said stay was terminated on August 6, 1990.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 31, 1990, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110 at 540 Main St., #301

in the City of Klamath Falls, County of Klamath, State of Oregon, (which is the new date, time and place set for said sale) 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 August 8, 1990

William L. Sisemore

State of Oregon, County of _____ ss:

Trustee

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 as amended.

Attorney for said Trustee

OC

AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE

(after release from stay)

17543

STATE OF OREGON, County of Klamath, ss:I, William L. Sisemore,

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 Amended Trustee's Notice of Sale by mailing a copy thereof by registered or certified mail to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

NAME

ADDRESS

Pacific Power & Light Company

500 Main St., Klamath Falls, OR 97601

Mortgage Insurance Accounting, OFA

Department of Housing & Urban Development
Washington, D.C. 20410

Emil Kenneth Embrey

109 Howard, Vallejo, CA 94589-2911

Sharon Lee Embrey

109 Howard, Vallejo, CA 94589-2911

Yamaha International Corp

c/o Samuels, Yoelin, Weiner, Kantor, Seymour

6600 Orangethorpe Ave

4640 SW Macadam Ave., Suite 200

Buena Park, CA

Portland, OR 97201

Michael A. Grassmuck

P.O. Box 1783

Medford, OR 97501-0140

U. S. Bankruptcy Trustee

44 NW Broadway, Suite 500

Eugene, OR 97401

Said Amended Trustee's Notice of Sale was given in compliance with ORS 86.755(6), within 30 days after release from a stay of the foreclosure proceedings, and the above named persons include all of those persons listed in ORS 86.740 and ORS 86.750(1).

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

William L. Sisemore

....., 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 August 8, 19 90, which was within 30 days after release from a stay of the foreclosure proceeding set forth therein.

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 8th day of August, 19 90.

(SEAL)

William L. Sisemore

Notary Public for Oregon.

My commission expires 8/2/91.

NOTE: An original amended notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE

(after release from stay)

Re: Trust Deed From

Grantor

to

Trustee

WILLIAM L. SISEMORE
Attorney at Law
540 Main Street
Klamath Falls, OR 97601

(DON'T USE THIS
SPACE, RESERVED
FOR RECORDING
LABEL IN COUN-
TIES 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

Affidavit of Publication

17544

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 NOTICE #698

TRUSTEE'S NOTICE OF DEFAULT

a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for FOUR

~~times~~

(4 insertion s) in the following issue s:

MAY 12, 1989

MAY 19, 1989

MAY 26, 1989

JUNE 2, 1989

Total Cost: \$193.12

Deanna Azevedo

Subscribed and sworn to before me this 2ND
day of JUNE 19 89

[Signature]
Notary Public of Oregon

My commission expires Jan 15 90

(COPY OF NOTICE TO BE PASTED HERE)

TRUSTEE'S NOTICE OF DEFAULT
AND ELECTION TO SELL LAND OF SALE
Reference is made to that Trust Deed wherein
Emil Kenneth Embrey and Sharon Lee Embrey,
formerly Sharon Lee Sherman, its Grantor, re-
corded in Official/Microfilm Records, Vol. M87,
Page 1524, Klamath County, Oregon, covering
the following-described real property in
Klamath County, Oregon:
A parcel of land situated in the SE1/4 of Section
30, Township 39, South, Range 10 E.W.A., more
particularly described as follows:
Commencing at the quarter section corner
common to Sections 29 and 30, said Township and
Range, thence S.09°18'51"W. along the East line
of said Section 30, a distance of 883.9 feet; thence
S.89°22'42"W. a distance of 30.0 feet to the West
line of Reeder Road and the true point of begin-
ning of this description; thence S.88°52'20"W. a
distance of 1305 feet to the Northeast corner of
parcel described in Volume M79, page 20479,
Deed Records of Klamath County, Oregon;
thence S.09°18'51"W. along the East line of last
mentioned parcel, a distance of 414.69 feet to the
Southeasterly corner thereof; thence N.47°50'E.
a distance of 78.69 feet to a 5/8 inch iron pin;
thence N.82°18'30"E. 1072.00 feet to a 5/8 inch
iron pin; thence S.34°30'E. 37.23 feet to a 5/8
inch iron pin; thence N.89°42'E. 124.45 feet to a
5/8 inch iron pin on the West boundary of Reeder
Road; thence N.09°18'51"E. along said road
boundary 356.52 feet to the true point of begin-
ning.
No action is pending to recover any part of the
debt secured by the trust deed.
The obligation secured by the trust deed is in
default because the grantor has failed to pay the
following: Payment due November 15, 1988, in
the amount of \$1,021.00; December 15, 1988 in the
amount of \$1,021.00; January 15, 1989, February
15, 1989, March 15, 1989 and April 15, 1989, in the
amount of \$1,035.00; plus late charges.
The sum owing on the obligation secured by the
trust deed is: \$71,479.44 plus interest at the rate
of 7.625% from February 1, 1989 plus trustee's
fees, attorney's fees, foreclosure costs and any
sums advanced by beneficiary pursuant to the
terms of said trust deed.
Beneficiary has and does elect to sell the prop-
erty to satisfy the obligation pursuant to ORS
86.705 to 86.795.
The property will be sold as provided by law on
September 14, 1989, at 10:00 o'clock a.m. based
on standard of time established by ORS 187.110
at 340 Main St., 9901, Klamath Falls, Klamath
County, Oregon.
Interested persons are notified of the right under
ORS 86.753 to have this proceeding dismissed
and the trust deed reinstated by payment of the
entire amount then due, other than such portion
as would not then be due had no default oc-
curred, together with costs, trustee's and at-
torney's fees, and by curing any other default
complained of in this Notice, at any time prior to
five days before the date last set for sale.
Dated: May 4, 1989.
William L. Sisamore, Trustee
1989 May 12, 19, 26, June 2, 1989

U.S. BANKRUPTCY COURT
DISTRICT OF OREGON
FILED

MAY 11 1988

William L. Sisemore
540 Main Street
Klamath Falls, Oregon 97601
Telephone: (503) 882-7229

Attorney for Klamath First Federal Savings and Loan Association

TERMINED BY CLERK
BY *[Signature]* DEPUTY

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re: :
: Case No. 686-07794-R13
VERNON L. DURANT, :
: Debtor. : ORDER FOR RELIEF FROM AUTOMATIC STAY

THIS MATTER having come before the Court upon the Motion for Relief from Automatic Stay filed by Klamath First Federal Savings and Loan Association, it appearing that Notice of Motion for Relief From Automatic Stay was served on Vernon L. Durant, Debtor; Gary Hedlund, Attorney for Debtor; and Fred Long, Trustee; there has been no opposition to the Motion filed by any party,

NOW, THEREFORE, IT IS HEREBY ORDERED that the automatic stay provided by Chapter 11 USC Section 362 is hereby terminated as to Klamath First Federal Savings and Loan Association, and Klamath First Federal Savings and Loan Association may proceed to foreclose its trust deed against the property described as the South 75 feet of Lot 5, Block 2, Pleasant View Tracts, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon, saving and excepting the Easterly 5 feet thereof, for the widening of Gary Street, by judicial foreclosure.

Dated this 11 day of April, 1988.

Albert E. Hedcliffe
Bankruptcy Judge

ORDER FOR RELIEF FROM AUTOMATIC STAY

EXHIBIT 3

WILLIAM L. SISEMORE
Attorney at Law
40 Main Street
KLAMATH FALLS, ORE.
97601

(503) 882-7229
U.S.B. #701336

17546

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON,

County of Klamath

ss.

I, William L. Sisemore

being first duly sworn, depose, say and certify that:

I am the attorney for trustee in that certain trust deed executed and delivered by
 Emil Kenneth Embrey and Sharon Lee Embrey, fka Sharon Lee Sherman as grantor
 to William L. Sisemore as trustee,

in which Klamath First Federal Savings and Loan Association
 is beneficiary, recorded on January 30, 1987, in the mortgage records of Klamath
 County, Oregon, in book/reel/volume No. M87, at page 1522 or as fee/file/instrument/microfilm/recep-
 tion No. X.X.X.X.X. ~~kind of which~~, covering the following described real property situated in said county:

A parcel of land situated in the SE $\frac{1}{4}$ of Section 30, Township 39 South, Range 10
 E.W.M., more particularly described as follows:

Commencing at the quarter section corner common to Sections 29 and 30,
 said Township and Range; thence S.0°18'51"W. along the East line of said
 Section 30, a distance of 883.9 feet; thence S.89°22'40"W. a distance of 30.0
 feet to the West line of Reeder Road and the true point of beginning of this
 description; thence S.88°52'20"W. a distance of 1305 feet to the Northeast
 corner of parcel described in Volume M79 page 20479, Deed records of Klamath
 County, Oregon; thence S.0°18'51"W. along the East line of last mentioned
 parcel, a distance of 414.69 feet to the Southeasterly corner thereof; thence
 N.47°50'E. a distance of 76.69 feet to a 5/8 inch iron pin; thence
 N.82°28'30"E., 1072.00 feet to a 5/8 inch iron pin; thence S.34°30'E., 37.23
 feet to a 5/8 inch iron pin; thence N.89°42'E., 124.45 feet to a 5/8 inch iron
 pin on the West boundary of Reeder Road; thence N.0°18'51" E. along said road
 boundary 356.52 feet to the true point of beginning.

I hereby certify that on May 4, 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.

Trustee

Subscribed, sworn to and acknowledged before me this 4th day of May, 1989.

Notary Public for Oregon

My Commission expires: 8/2/91

TRUSTEE'S AFFIDAVIT
AS TO NON-OCCUPANCY

RE: Trust Deed from

Grantor

to

Trustee

AFTER RECORDING RETURN TO

Wm. L. Sisemore
 540 Main St., #301
 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 31st day
 of Aug., 1990,
 at 12:53 o'clock P.M., and recorded
 in book/reel/volume No. M90 on
 page 17540 or as fee/file/instru-
 ment/microfilm/reception No. 19608,
 Record of Mortgages of said County.

Witness my hand and seal of
 County affixed.

Evelyn Biehn, County Clerk.
 NAME TITLE

By Pauline Muelendore Deputy

Fee \$38.00