

Loan No. 419133/Lurde

FORM 10-1171-AFFIDAVIT OF SERVICE PER ORS 86.743-Once in Trust Deed Series

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE. 97204

7/19/92

ASPERA Title 35401

INSTRUCTIONS FOR SERVICE OF TRUSTEE'S NOTICE OF SALE PURSUANT TO ORS 86.740 AND PROOF OF SERVICE  
TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:

STATE OF OREGON WASHINGTON

County of King

ss.

Vol. m90 Page 21641

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 following persons:

NAME OF PERSON TO BE SERVED

ADDRESS

Unknown occupant(s)

830 East Main Street, Klamath Falls, Oregon 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 36.785.

Service should be made by July 17, 1992, which is 120 days before the date fixed for the sale in the attached notice. If you have not made service by that date, but it appears that it is possible to effect service upon the above named person, 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.

Subscribed and sworn to before this

3rd

day of

July

1990

David E. Pennell

Notary Public for Oregon

Barbara Winn  
Notary Public for Oregon  
My commission expires: 7/1/92



(SEAL)

If the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

TRUSTEE'S INSTRUCTIONS AND PROOF OF SERVICE OF TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from  
Whittle/Lurde

Grantor

Trustee

AFTER RECORDING RETURN TO

Kim Rust  
FRESH THUNDERSON SMITH GOES & ELLIS  
5400 Columbia Center, 700 5th Avenue  
Seattle, Washington 98104

SPACE RESERVED  
FOR  
RECORDING 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

**PROOF OF SERVICE  
KLAMATH**

STATE OF OREGON

County of \_\_\_\_\_ ss.

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, nor the successor of either, nor an officer, director, employee of or attorney for the beneficiary or trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale certified to be such by the attorney for the trustee or successor trustee, as follows:

**Personal Service Upon Individual(s)**

Upon SANDRA ANDERSEN (ANDERSON) by delivering such true copy to him/her, personally and in person, at 520 E. MAJIE, KLAMATH FALLS, OREGON 97601, on 7-10-, 1990, at 9:08 o'clock P.M.

Upon \_\_\_\_\_, by delivering such true copy to him/her, personally and in person, at \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_M.

**Substituted Service Upon Individual(s)**

Upon \_\_\_\_\_, by delivering such true copy at his/her dwelling house or usual place of abode, to-wit: \_\_\_\_\_, who is a person over the

age of 14 years and a member of the household of the person served on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_M.

Upon \_\_\_\_\_, by delivering such true copy at his/her dwelling house or usual place of abode, to-wit: \_\_\_\_\_, who is a person over the

age of 14 years and a member of the household of the person served on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_M.

**Office Service Upon Individual(s)**

Upon \_\_\_\_\_, at the office which he/she maintains for the conduct of business at \_\_\_\_\_, the person who

by leaving such true copy with \_\_\_\_\_, 19\_\_\_\_, during normal working hours, at to-wit: \_\_\_\_\_ o'clock, \_\_\_\_\_M.

**Service on Corporations, Limited Partnerships or Unincorporated Associations Subject to Suit Under a Common Name**

Upon \_\_\_\_\_, by \_\_\_\_\_, (NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.)

(a) delivering such true copy, personally and in person, to \_\_\_\_\_ who is a/the \_\_\_\_\_ thereof; OR

(b) leaving such true copy with \_\_\_\_\_, the person who is apparently in charge of the office of \_\_\_\_\_, who is a/the \_\_\_\_\_ thereof; \* Specify registered agent, officer (by title), director, general partner, managing agent.

at \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_M.

**Service Upon State of Oregon**

Upon the State of Oregon by leaving such true copy with \_\_\_\_\_, a deputy/ clerk (delete word inapplicable) at the office of the Attorney General on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_M.

**Service Upon Public Bodies**

Upon \_\_\_\_\_, by \_\_\_\_\_, who is the \_\_\_\_\_ thereof, OR:

(b) leaving such true copy with \_\_\_\_\_, the person who is apparently in charge of the office of \_\_\_\_\_, who is a/the \_\_\_\_\_ thereof; \* Specify director, managing agent, clerk, secretary

at \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_M.

FURTHER, if such public body is a county, I served an additional true copy of the Notice of Sale upon \_\_\_\_\_, who is the district attorney for the county, by

(a) delivering such true copy, personally and in person, to said district attorney, OR (b) leaving such true copy with \_\_\_\_\_, the person who is apparently in charge of the district attorney's office,

at \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_M.

EACH OF THE PERSONS, FIRMS AND CORPORATIONS SERVED BY ME IS THE IDENTICAL PERSON, FIRM OR CORPORATION NAMED IN THE TRUSTEE'S INSTRUCTIONS TO ME IN CONNECTION HERewith.

Service cannot be made upon \_\_\_\_\_, after reasonable efforts to do so have been made;

I attempted to make service by \_\_\_\_\_

Subscribed and sworn to before me this 10 day of July, 1990 PAT BEVEL PROCESS SERVER

Notary Public for Oregon  
My commission expires 3/31/91

(SEAL)

PUBLIC USER'S NOTE: ORC 85.740(2) requires that this Notice of Sale be served in the manner in which a summons is served pursuant to Oregon Rules of Civil Procedure 7 C. (1) and 7 D. (3). The Proof of Service above contains most, but not all, of the methods of service. For example, this form does not include proof of service upon a minor or incapacitated person. See ORC 7 D. (2) and 7 D. (3) for complete service methods on particular parties.

TRUSTEE'S NOTICE OF SALE

21643

Reference is made to that certain trust deed made by Gary T. Whittle

Transamerica Title Insurance Company, as grantor, to  
Equitable Savings and Loan Association, as trustee,  
dated February 8, 1978, recorded February 22, 1978, in the mortgage records of  
Klamath County, Oregon, in book 555, page 108, No. M-78, at page 3321.  
208 (indicate which), covering the following described real  
property situated in said county and state, to-wit:

The South 80 feet of Lots 604 and 605, Block 103, MILLS ADDITION TO THE CITY  
OF KLAMATH FALLS, in the County of Klamath, State of Oregon.

Property Address: 880 East Main Street, Klamath Falls, Oregon 97601

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 de-  
fault for which the foreclosure is made is grantor's failure to pay when due the following sums:  
monthly payments of \$277.66 beginning 4-1-90 to 7-1-90; plus late charges of \$11.86 each month beginning 7-17-90;  
plus prior accrued late charges of \$59.30; together with title expense, costs, trustee's fees and attorney's fees  
incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of  
the above described real property and its interest therein.

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:  
\$15,702.45 with interest thereon at the rate of 9.75 percent per annum beginning 3-1-90 until paid; plus late charges  
of \$11.86 each month beginning 7-17-90 until paid; plus prior accrued late charges of \$59.30; together with title  
expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums  
advanced by the beneficiary for the protection of the above described real property and its interest therein.

WHEREFORE, notice hereby is given that the undersigned trustee will on November 14, 1990,  
at the hour of 10:00 o'clock, A.M., in accordance with the standard of time established by ORS 187.110, at  
inside door to main lobby of the Klamath County Courthouse  
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 grantor of the said trust deed, together with any interest which the  
grantor or grantor's 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 necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation  
under said 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 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 July 3, 1990

David E. Fennell  
David E. Fennell, 5400 Columbia Center, 701 5th Avenue  
Seattle, Washington 98104 (206) 623-7580  
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.

David E. Fennell  
Attorney for said Trustee

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Apex Title Co.  
of Oct. A.D., 19 90 at 3:10 o'clock P.M., and duly recorded in Vol. M90  
of Mortgages on Page 21641

FEE \$18.00

Evelyn Biehn County Clerk

By Patricia M. Anderson