

22319

Vol. m90 Page 22303

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

aforsaid county and state; that the

LEGAL #2033

YOST/TURIELLO TRUSTEE'S NOTICE
OF SALE

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:

SEPT. 14, 1990

SEPT. 21, 1990

SEPT. 28, 1990

OCT. 5, 1990

Total Cost: \$413.44

Subscribed and sworn to before me this 14TH

day of SEPT. 19 90

Lita Backa
Notary Public of Oregon

My commission expires Jan 15 94

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by BRUCE P. YOST as grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as trustee, in favor of NANCY I. TURIELLO and RUDOLPH T. TURIELLO, wife and husband, as beneficiary, dated August 31, 1989, recorded September 5, 1989, in the mortgage records of Klamath County, Oregon, volume No. M89 at page 16663 covering the following described real property situated in said county and state, to-wit:

PARCEL 1
That portion of Block 44 of NICHOLS ADDITION to the City of Klamath Falls, Oregon more particularly described as beginning at a point 243 feet North, 51 degrees 15' West of a point 60 feet North, 38 degrees 45' East of the Northeast corner of Block 12 in the City of Klamath Falls,

(formerly Linkville), sometimes described as Block 12 of Nichols Addition to the City of Klamath Falls, the numbering of the Blocks in Nichols Addition to the City of Klamath Falls, being a continuation of the numbering of the blocks in the Original Town of Klamath Falls, formerly Linkville; thence North 38 degrees 45' East 155 feet 9 inches; thence North 51 degrees 15' West 57 feet; thence South 38 degrees 45' West 155 feet 9 inches; thence South 51 degrees 15' East 57 feet to place of beginning, being situated in the SW 1/4 of Section 29, Township 38 South, Range 9 East of the Willamette Meridian, being a part of the land deeded to Sarah E. Taylor by Deed recorded in Book 1, page 457, Deed Records of Klamath County, Oregon.

EXCEPTING THEREFROM that portion of Block 44 of NICHOLS ADDITION to the City of Klamath Falls, Oregon, particularly described as beginning at a point 243 feet North, 51 degrees 15' West of a point 60 feet North, 38 degrees 45' East of the Northeast corner of Block 12 in the City of Klamath Falls, (formerly Linkville), sometimes described as Block 12 of Nichols Addition to the City of Klamath Falls, formerly Linkville, said point of beginning being on the Northeastly line of Ninth Street; thence continuing North 51 degrees 45' West, a distance of 3.0 feet; thence North 38 degrees 15' East at right angles to Ninth Street, a distance of 81.10 feet; thence South 51 degrees 15' East a distance of 3.0 feet; thence South 38 degrees 45' West a distance of 81.10 feet to the point of beginning; said parcel being Southeastly 3.0 feet of the Southwestly 81.10 feet of that parcel described in Deed Volume H78, page 6088, Microfilm Records of Klamath County, Oregon.

TOGETHER WITH the unrestricted right of egress and ingress over and across a triangular shaped portion of the above described property being more particularly described as follows: Beginning at the most Northerly corner of the above described property; thence North 51 degrees 02' 13" West along the dead end of Washington Street, 15.48 feet; thence South 01 degrees 13' 10" West, 25.30 feet to a point on the Northwestly line of Block 44 of NICHOLS ADDITION; thence North 38 degrees 57' 47" East along said Northwestly Block line, 20.00 feet to the point of beginning.

Tax Account No. 3809 029DC 16000.

This notice corrects and replaces that certain Trustee's Notice of Sale of the same form which incorrectly states the sale date as January 8, 1990, recorded in Klamath County Records at M90, page 17514 on August 31, 1990.

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:

Monthly payments of \$550 due on November 9, 1989, and on July 1, 1990, and each month thereafter, including interest in the amount of 10 percent per annum from June 1, 1990. Also real estate taxes for the year 1989-1990 in the amount of \$508.43 plus interest. Taxes for the fiscal year 1990-1991 are a lien, not yet due and payable.

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: \$27,900.94 plus interest at the rate of \$7,433 per day from August 6, 1990, plus real estate taxes for the year 1989-90 in the amount of \$503.43 plus interest. Taxes for the fiscal year 1990-91 are a lien, not yet due and payable.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 8, 1991, at the hour of 10:00 o'clock, A.M., in accordance with the standard of time established by ORS 187.110, at Klamath County Courthouse front steps, 216 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 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 September 7, 1990
Richard Fairclough
Trustee
#2033 Sept. 14, 21, 28, Oct. 5, 1990

STATE OF OREGON, ss.
County of Klamath

Filed for record at request of:

Proctor & Fairclough

on this 6th day of Nov. A.D., 19 90

at 3:19 o'clock P.M. and duly recorded

in Vol. M90 of Mortgages Page 22303

Evelyn Biehn, County Clerk

By Richard Fairclough Deputy.

Fee. \$8.00

Return: Proctor & Fairclough
280 Main
Klamath Falls, Or. 97601