

26823

INSTRUCTIONS FOR SERVICE OF TRUSTEE'S NOTICE OF SALE PURSUANT TO ORS 86.740 AND PROOF OF SERVICE

ASPEN 35401

Vol. 1491

Page 4378

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:

STATE OF ~~OREGON~~ WASHINGTON

County of King

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 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 86.785.

Service should be made by November 27, 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, 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

15th

day of

November

19 90

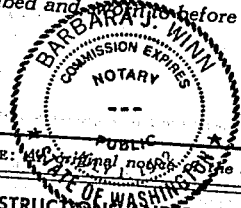
David E. Fenell Trustee

Barbara Winn

Notary Public for Oregon Washington

My commission expires: 7/1/92

(SEAL)



PUBLISHER'S NOTE: A true and correct copy of 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/Lunde

Grantor

TO

Fenell

Trustee

AFTER RECORDING RETURN TO

Kim Roust  
PRESTON THORGRIMSON SHIDLER GATES & ELLIS  
5400 Columbia Center, 701 5th Avenue  
Seattle, Washington 98104

SPACE 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.

By Deputy

STATE OF OREGON

## PROOF OF SERVICE

4379



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

to \_\_\_\_\_, 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: \_\_\_\_\_

to \_\_\_\_\_, 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 \_\_\_\_\_

by leaving such true copy with \_\_\_\_\_, the person who is apparently in charge, on \_\_\_\_\_, 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 \_\_\_\_\_ (NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.), by \_\_\_\_\_

(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 \_\_\_\_\_

(a) serving such true copy, personally and in person on \_\_\_\_\_, 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 OCCUPANTS

I attempted to make service by APPEARING IN PERSON AT 430 E. MAIN ST. KLAMATH FALLS, OR - THE SAID DWELLING IS CURRENTLY UNOCCUPIED, after reasonable efforts to do so have been made;

Subscribed and sworn to before me this 21 day of November, 1997

(SEAL)

Notary Public for Oregon  
My commission expires 2-24-91

PUBLISHER'S NOTE: ORS 86.740(2) requires that the Notice of Sale be served in the manner in which a summons is served pursuant to Oregon Rules of Civil Procedure 7 D. (2) 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 ORCP 7 D. (2) and 7 D. (3) for complete service methods on particular parties.

## AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON

County of KLAMATH

I, SHERY MILLER, being first duly sworn, depose and say: That I am, and have been at all material times hereto, a competent person over the age of eighteen years and a resident of KLAMATH county, State of Oregon. I am not a party to, an attorney in, or interested in any suit or action involving the property described below.

That on the 21<sup>ST</sup> day of NOVEMBER, 1990, after personal inspection, I found the following described real property to be unoccupied:

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.

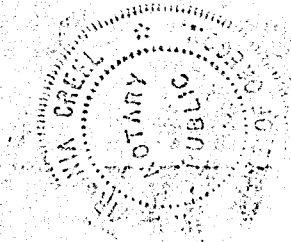
PROPERTY ADDRESS: 830 EAST MAIN STREET  
KLAMATH FALLS, OR 97601

Commonly described as: (street address) 830 E. MAIN ST.  
KLAMATH FALLS, OR 97603

Shery Miller

SUBSCRIBED AND SWORN to before me this 21 day of November, 1990.

Virginia Crell  
NOTARY PUBLIC FOR OREGON  
My commission expires: 2-24-91



TRUSTEE'S NOTICE OF SALE

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

Transamerica Title Insurance Company, as grantor, to  
in favor of 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/record No. M-78 at page 3321  
(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: 830 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 in the event of default hereunder recorded pursuant to Oregon Revised Statutes 87.735(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 11-1-90; plus late charges of \$11.86 each month beginning 11-16-90;  
plus prior accrued late charges of \$106.74; 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 11-16-90 until paid; plus prior accrued late charges of \$106.74; plus escrow advances  
of \$151.59; 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 March 27, 1991,  
at the hour of 10:00 o'clock, AM., in accord 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 required under the obligation of trust deed, and in addition to paying said sums or tendering the per-  
formance 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 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 November 15, 1990

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

Washington  
State of Oregon, County of King 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.

David E. Fennell  
Attorney for said Trustee

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 11th day  
of March A.D., 1991 at 3:47 o'clock P.M., and duly recorded in Vol. M91  
of Mortgages on Page 4378.

FEE \$23.00

Evelyn Biehn County Clerk  
By Pauline M. Henderson