

90-10512

K-42780

OREGON
AFFIDAVIT OF MAILING NOTICE OF SALE

I, De L. Dishman, say and certify that:

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 the successor in interest named in the Trust Deed described in the attached Notice of Sale.

I have given notice of sale of the real property described in the attached Notice of Sale by mailing a copy of the notice by registered or certified mail and first class mail to each of the following named persons at their last known addresses, to-wit:

Charles R. Smith
1319 Lakeview St.
Klamath Falls, OR 97601

Robertta J. Smith
1319 Lakeview St.
Kalamath Falls, OR 97601

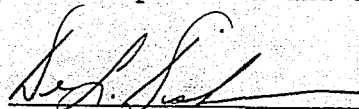
Charles R. Smith
2449 1/2 Wiard St.
Klamath Falls, OR 97603

C P National
c/o C.T. Corporation Systems
Registered Agent
800 Pacific Bldg.
Portland, Or 97204

The persons mailed to include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or whose interest the trustee or the beneficiary has actual notice and any person requesting notice as provided in ORS 86.785 and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by Kelly D. Sutherland, Shapiro & Kreisman, the trustee named in said notice; each copy was mailed in a sealed envelope, with postage prepaid, and was deposited by me in the United States post office at Portland, Oregon, on December 3, 1990. Each notice was mailed after the date that the Notice of Default and Election to Sell described in said Notice of Sale was recorded which was at least 120 days before the day of the trustee sale.

As used herein, the singular incudes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.



De L. Dishman

91 APR 9 PM 3 58

State of Oregon)
County of Multnomah)

On this 2nd day of December, in the year 19 90,
before me the undersigned, a Notary Public in and for said County
and state, personally appeared De L. Dishman personally known to
me to be the person whose name is subscribed to this instrument
and acknowledged that he executed.

Witness my hand and official seal

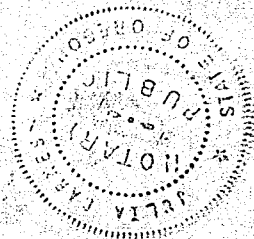
Tulia James
Notary Public

My Commission Expires 8/25/92

After Recording Return to:

Shapiro & Kreisman
4380 S.W. Macadam Avenue
Suite 310
Portland, Oregon 97201
(503) 227-4566

Lender Loan #: 5452462



SHERIFF'S RETURN OF SERVICE

State of Oregon) Court Case No.
County of Klamath) Sheriff's Case No. 904073-01
Received for Service 11/26/90

I hereby certify that I received for service on
OCCUPANTS

the within

TRUSTEE'S NOTICE OF SALE
NOTICE

See attached page for Other Process Served if marked []

OCCUPANTS was unable to be
located within Klamath County after due and diligent search and
inquiry. I hereby return this process as Not Found, on
11/26/90 at 12:07 hours.

All search and service was made within Klamath County, State
of Oregon.

Carl R Burkhardt, Sheriff
Klamath County, Oregon

By Rebecca Dailey
DAILEY, REBECCA

Copy To:

CAPITOL
PO BOX 3225
PORTLAND

INVESTIGATION

OR 97208

State of Oregon)
)
Klamath County)

ss.

AFFIDAVIT OF NON-OCCUPANCY

I hereby certify that I received a Trustee's Notice of Default and Election to Sell and of Sale on Nov 26, 1990 for the property commonly described as:

1319 Lakeview Street, Klamath Falls, Or 97601

I personally inspected the property on Nov. 26, 1990 and found it to be unoccupied.

Carl R. Burkhart, Sheriff
Klamath County, Oregon

By Rebecca Bailey Deputy

OC

6289

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON,

County of Multnomah

} ss.

I, Kelly D. Sutherland

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

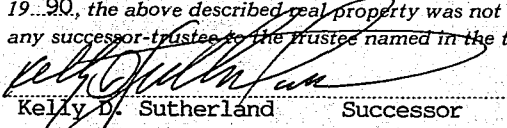
I am the Successor trustee in that certain trust deed executed and delivered by Charles R. Smith and Roberta J. Smith, Husband and Wife as grantor to Aspen Title & Escrow, Inc., an Oregon Corporation as trustee, in which Town & Country Mortgage, Inc., an Oregon Corporation is beneficiary, recorded on June 30, 1988, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M88, at page 10232 or as fee/file/instrument/microfilm/reception No. (indicate which), covering the following described real property situated in said county:

Lot 9, Block 17, Fairview Addition No. 2, To the City of Klamath Falls, in the County of Klamath, State of Oregon. Saving and Excepting the South 4 feet of the West 55 feet of Lot 9, Block 17, Fairview addition, No. 2.

Commonly known as: 1319 Lakeview Street, Klamath Falls, OR 97601.

I hereby certify that on November 26, 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.


 Kelly D. Sutherland Successor Trustee

Subscribed, sworn to and acknowledged before me this 5th day of April, 1991.


 DeAnna L. Dishman Notary Public for Oregon

My Commission expires: 6/18/91

TRUSTEE'S AFFIDAVIT
AS TO NON-OCCUPANCY

RE: Trust Deed from

Grantor

to

Trustee

AFTER RECORDING RETURN TO

Shapiro & Kreisman
 4380 S.W. Macadam Ave., Suite 310
 Portland, OR 97201

(DON'T USE THIS
 SPACE; RESERVED
 FOR RECORDING
 LABEL IN COUNTIES
 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

90-10512

TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Charles R. Smith and Roberta J. Smith, husband and wife as grantor, to Aspen Title & Escrow, Inc., An Oregon Corporation, as Trustee, in favor of Town & Country Mortgage, Inc., an Oregon Corporation as Beneficiary, dated June 24, 1988, recorded June 30, 1988, in the mortgage records of Klamath County, Oregon, in Book No. M88 at Page 10232, covering the following described real property:

Lot 9, Block 17, Fairview Addition No.2, To the City of Klamath Falls, in the County of Klamath, State of Oregon. Saving and Excepting the South 4 feet of the West 55 feet of Lot 9, Block 17, Fairview Addition No. 2.

Commonly known as: 1319 Lakeview Street, Klamath Falls, Or 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 default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Monthly payments in the sum of \$258.80 from April 1, 1990, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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 sum being the following, to-wit:

\$21,026.57, together with interest thereon at the rate of 10.500% per annum from March 1, 1990 together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on April 3, 1991 at the hour of 10:00 o'clock A.M., in accord with the standard time established by ORS 187.110, at Klamath County Courthouse located at 316 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 has or had power to convey at the time of the execution of 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 due (other than such portion of the principal as would not then be due has 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 obligations 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.

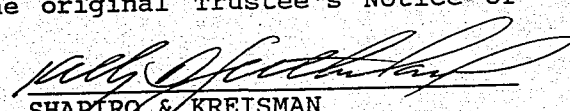
KELLY D. SUTHERLAND
Successor Trustee

Dated 11/24/90

By: 

State of Oregon, County of Multnomah ss:

I, the undersigned certify that the foregoing instrument is a complete and exact copy of the original Trustee's Notice of Sale


SHAPIRO & KREISMAN
4380 S.W. Macadam Avenue
Suite 310
Portland, Oregon 97201
(503) 227-4566

Lender Loan #: 5452462

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, DEANNA AZEVEDO

being first duly sworn, depose and say

that I am the principal clerk of the

publisher of the HERALD & 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 #2403

S&K 90-10512

SMITH

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:

FEBURARY 13, 1991

FEBRUARY 20, 1991

FEBRUARY 27, 1991

MARCH 6, 1991

Total Cost: \$242.08

Deanna L. Azevedo

Subscribed and sworn to before me this 6TH

day of MARCH 19 91

[Signature]
Notary Public of Oregon

My commission expires Jan 15, 1992

Return to:
Shapiro & Kreishman
4380 SW Macadam Ave. Suite 310 Portland OR 97201!

TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Charles R. Smith and Robert J. Smith, husband and wife as grantor, to Aspen Title & Escrow, Inc., an Oregon Corporation, as Trustee, in favor of Town & Country Mortgage, Inc., an Oregon Corporation as Beneficiary, dated June 24, 1988; recorded June 20, 1988, in the mortgage records of Klamath County, Oregon, in Book No. M88 at Page 10232, covering the following described real property: Lot 9, Block 17, Fairview Addition No. 2, To the City of Klamath Falls, in the County of Klamath, State of Oregon, Saving and Excepting the South 4 feet of the West 55 feet of Lot 9; Block 17; Fairview Addition No. 2.

Commonly known as: 1319 Lakeview Street, Klamath Falls, OR 97601.

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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.

KELLY D. SUTHERLAND
Successor Trustee
#2403 Feb. 13, 20, 27, Mar. 6, 1991

STATE OF OREGON, ss.
County of Klamath

Filed for record at request of:

Klamath County Title Co.

on this 8th day of April A.D., 19 91
at 3:58 o'clock P M. and duly recorded
in Vol. M91 of Mortgages Page 6285

Evelyn Biehn, County Clerk

By Pauline Muelendor

Deputy.

Fee, \$43.00