

OC 333908

INSTRUCTIONS FOR SERVICE OF TRUSTEE'S NOTICE OF SALE UPON OCCUPANT AND PROOF OF SERVICE

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

STATE OF OREGON

County of Klamath

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 occupant of the property described in said Notice of Sale.

The name of the person to be served, if known, and the property address of the property described in said trust deed, are as follows:

NAME OF PERSON TO BE SERVED  
(If unknown, so state)

LINDA BAGLEY

PROPERTY ADDRESS

Post Office Box 66  
Beatty OR 97621

If the occupant is indicated as "unknown", or if you find the property at said address to be occupied by other than the person named, then you are instructed to serve the person or persons whom you find to be occupying said property.

Service should be made by May 19, 1991, which is 120 days before the date fixed for the sale in the attached notice. If you have not made service by that date, and the property appears occupied, 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.

Michael L. Brant

(Attorney for) Trustee

Subscribed and sworn to before me this 11th day of April, 1991.

Wendy Young

Notary Public for Oregon. My commission expires: 8/31/91

(SEAL)

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

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

(120-Day Notice per ORS 86.750(1))

RE: Trust Deed from

Edwin J. Walker

Grantor

TO  
Mountain Title Co., Inc.

Trustee

AFTER RECORDING RETURN TO

MICHAEL L. BRANT  
325 Main Street  
Klamath Falls OR 97601

SPACE RESERVED  
FOR  
RECORDER'S USE

STATE OF OREGON,

County of

I certify that the within instrument was received for record on the day of 1991, 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

17294



STATE OF OREGON, County of Klamath 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 LINDA BAGLEY, by delivering such true copy to him/her, personally and in person, at 325 Main Street, Klamath Falls OR, on April 30 1991, at 1:30 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. is apparently in charge, on \_\_\_\_\_

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

Upon \_\_\_\_\_ (NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.) who is a/the  
 (a) delivering such true copy, personally and in person, to \_\_\_\_\_ 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.

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.

Michael L. Brant

Subscribed and sworn to before me this 30th day of April, 1991.

Wendy Young  
 Notary Public for Oregon  
 My commission expires 8/31/91

(SEAL)

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.

## ACCEPTANCE OF SERVICE

I, Linda Bagley, do hereby accept service of the Trustee's Notice of Sale, a copy of which is attached hereto. I am the occupant of that certain real property which is the subject of a Trust Deed foreclosure wherein Edwin J. Walker is the Grantor and Mountain Title Company is the Trustee in favor of Bill B. Harp and Roselyn M. Harp as beneficiaries and recorded June 27, 1985 in the Official Records of Klamath County, Oregon.

Linda Bagley Received  
Linda Bagley April 30, 91

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Edwin J. Walker, as Grantor, to Mountain Title Co., Inc., as Trustee, in favor of Bill B. Harp and/or Roselyn M. Harp, as beneficiary, dated June 25, 1985 and recorded June 27, 1985 in the mortgage records of Klamath County, Oregon in Volume No. M85 at page 9898, covering the following described real property situated in said county and state, to-wit:

That portion of Government Lot 11 lying south of the O & C Railroad right of way and the north 1/2 and the north 1/2 of the south 1/2 of Government Lot 14, all situate in Section 14, Township 36 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

Code 8 Map 3612-1400 TL 301

An assignment of the Trust Deed by the Beneficiary whereby Bill B. Harp and Roselyn M. Harp transferred all their beneficial interest in the subject property to Oscar T. Anderson, Jr. was signed 1/14/91 and recorded 1/16/91 in Vol. M 91 at page 1117 as document no. 24914 in the Record of Mortgages of Klamath County, Oregon.

Both the beneficiary and the successor trustee, Michael L. Brant, 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 ORS 86.735 (3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Principal in the amount of \$10,593.27, plus interest from 2/16/89 in the amount of \$1,363.48, plus taxes.

Interest will accrue from 4/9/91 at the rate of \$1.74 per day.

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:

Principal in the amount of \$10,593.27, plus interest from 2/16/89 in the amount of \$1,363.48. Interest will accrue from 4/9/91 at the rate of \$1.74 per day, plus taxes, attorney's fees and costs incurred as a result of this foreclosure.

WHEREFORE, notice hereby is given that the undersigned trustee will on September 16, 1991, at the hour of 10 o'clock a.m., in accord with the standard of time established by ORS 187.110, on the steps of the Klamath County Courthouse, 316 Main Street, 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 or trust deed, and in addition to paying said sum 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 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 THIS 22<sup>nd</sup> day of April, 1991.

Michael L. Brant  
Michael L. Brant  
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

I, the undersigned, certify that I am the attorney for the above-named Successor Trustee and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.

Michael L. Brant  
Michael L. Brant, Attorney for  
Successor Trustee

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Michael L. Brant the 29<sup>th</sup> day  
of Aug. A.D., 19 91 at 11:47 o'clock A.M., and duly recorded in Vol. M91  
of Mortgages on Page 17293  
By Evelyn Biehn County Clerk  
D. Biehn

FEE \$23.00