

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That L. A. SWETLAND, M.D., P.C., PENSION AND PROFIT SHARING TRUST; R. H. OTTEMAN, M. D., P.C., PENSION AND PROFIT SHARING TRUST; ORE-CAL GENERAL WHOLESALE, INC., an Oregon corporation; JACK C. PROCK and DIANE BRYAN, formerly DIANE PROCK, hereinafter called "grantors", for the consideration hereinafter stated, to grantors paid by THOMAS A. AYRES, hereinafter called "grantee", do hereby grant, bargain, sell and convey unto said grantee, his heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in Klamath County, State of Oregon, described as follows:

A tract of land situated in the S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 18, Township 39 S., R. 10 E.W.M., more particularly described as follows: Beginning at the Northwest corner of said Section 18; thence S. 00°01'10" W. 1328.73 feet to the Northwest corner of said S $\frac{1}{2}$ NW $\frac{1}{4}$; thence S. 89°59'04" E., along the North line of said S $\frac{1}{2}$ NW $\frac{1}{4}$, 94.42 feet to the true point of beginning of this description; thence continuing on said North line, S. 89°59'04" E. 1446.75 feet; thence S. 03°17'26" E. 155.80 feet; thence along the arc of a curve to the right (central angle = 69°18'42" and radius = 400 feet) 483.89 feet; thence S. 66°01'16" W. 144.49 feet; thence along the arc of a curve to the right (central angle = 71°03'30" and radius = 205.06 feet) 254.32 feet; thence N. 42°55'14" W. 81.00 feet; thence along the arc of a curve to the left (central angle = 47°03'50" and radius = 220.00 feet) 180.71 feet; thence N. 89°59'04" W. 102.35 feet; thence S. 00°02'42" E. 25.21 feet; thence N. 64°56'14" W. 285.79 feet; thence N. 79°13'44" W. 136.41 feet; thence along the arc of a curve to the right (central angle = 20°13'30" and radius = 380.00 feet) 134.14 feet; thence N. 59°00'14" W. 101.65 feet to a point on the easterly right of way line of State Highway No. 39; thence N. 00°02'42" W., along said easterly right of way line, 44.61 feet; thence S. 89°59'04" E. 70.00 feet; thence N. 00°02'42" W. 160.00 feet to the true point of beginning of this description, containing 14.45 acres, more or less. EXCLUDING that parcel of land described in Deed Volume M-66, Page 1501, as recorded in the office of the Klamath County Clerk. The bearings of the above-described tract of land are based on recorded Survey No. 2834, as recorded in the office of the Klamath County Surveyor. TOGETHER WITH a perpetual and non-exclusive easement for access to and egress from the above-described property along and upon the following-described strip of land: A 60-foot strip of land situated in the N $\frac{1}{2}$, Section 18, Township 39 S., R. 10 E.W.M., being 30 feet on either side of, measured at right angles from, the following-described center-line: Beginning at a point on the easterly right of way line of State Highway 39, said point being South 00°01'10" West 2162.47 feet and South 89°51'42" East 25.31 feet from the Northwest corner of said Section 18; thence South 89°51'42" East 599.83 feet; thence North 00°02'42" West 439.32 feet.

ON

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

23557

STATE OF OREGON, County of Klamath, ss:

I, William L. Sisemore being first duly sworn, depose, and say and certify that:
At all times hereinafter mentioned 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 beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

NAME	ADDRESS
Steven L. Heryford	3920 Arroyo Court Klamath Falls, OR 97603
Jacqueline Heryford	3920 Arroyo Court Klamath Falls, OR 97603

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.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by

William L. Sisemore, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on July 1, 1991. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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 me this 1st day of July, 1991.

(SEAL)

William L. Sisemore
Notary Public for Oregon. My commission expires 8/2/91.

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.

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

AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE

RE: Trust Deed from

Grantor

TO

Trustee

AFTER RECORDING RETURN TO
WILLIAM L. SISEMORE
Attorney at Law
540 Main Street
Klamath Falls, OR 97601

DO NOT USE THIS
SPACE. RESERVED
FOR RECORDING
LABEL IN COUN-
TIES WHERE
USED

STATE OF OREGON, }
County of Klamath } ss.

I certify that the within instrument was received for record on the 8th day of Nov., 1991, at 3:47 o'clock P.M., and recorded in book/reel/volume No. M91 on page 23554 or as fee/file/instrument/microfilm/reception No. 37179, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk
NAME TITLE
By Rauline Mullendorf, Deputy

Fee \$23.00

OC

23556



TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON,

County of Klamath

} ss.

I, William L. Sisemore

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

I am the attorney and trustee in that certain trust deed executed and delivered by Steven L. Heryford and Jacqueline Heryford, husband and wife as grantor to William Sisemore as trustee, in which Klamath First Federal Savings and Loan Association is beneficiary, recorded on October 12, 1989, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M89, at page 19361. ~~Xor as fee/file/instrument/microfilm/reception No. x.x.x.x.x (indicate which)~~, covering the following described real property situated in said county:

Lots 2 and 3 in Lakewood Heights, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

I hereby certify that on July 1, 1991, 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.

William L. Sisemore

Trustee

Subscribed, sworn to and acknowledged before me this 1st day of July, 1991.

Alvin Sisemore

Notary Public for Oregon

My Commission expires: 8/2/91

TRUSTEE'S AFFIDAVIT
AS TO NON-OCCUPANCY

RE: Trust Deed from

Grantor

to

Trustee

AFTER RECORDING RETURN TO

WILLIAM L. SISEMORE
Attorney at Law
540 Main Street
Klamath Falls, OR 97601

(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

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
aforesaid county and state; that the _____
LEGAL #2841

TRUSTEE'S NOTICE OF SALE

HERYFORD

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:

JULY 5, 1991

JULY 12, 1991

JULY 19, 1991

JULY 26, 1991

Total Cost: \$136.00

Subscribed and sworn to before me this _____

26TH

day of _____

JULY

19 91

My commission expires _____

Notary Public of Oregon

1994

TRUSTEE'S NOTICE OF DEFAULT
AND ELECTION TO SELL AND OF SALE
Reference is made to that Trust Deed wherein
Steven L. Heryford and Jacqueline Heryford,
husband and wife, is Grantor; William
Sisemore, is Trustee; and Klamath First Fed-
eral Savings and Loan Association, is
Beneficiary, recorded in Official/Microfilm Re-
cords, Vol. M89, Page 19361, Klamath County,
Oregon, covering the following described real
property in Klamath County, Oregon:
Lots 2 and 3 in Lakewood Heights, according to
the official plat thereof on file in the office of the
County Clerk of Klamath County, Oregon.
No action is pending to recover any part of the
debt secured by the trust deed.

The obligation secured by the trust deed is in
default because the grantor has failed to pay the
following: payment due January 15, 1991, in the
amount of \$564.00 and each month thereafter
plus late charges, plus interest from December
1, 1990, at the rate of 10.10% per annum.

The sum owing on the obligation secured by the
trust deed is: \$49,900.60 plus interest and late
charges plus trustee's fees, attorney's fees,
foreclosure costs and any sums advanced by
beneficiary pursuant to the terms of said trust
deed.

Beneficiary has and does elect to sell the prop-
erty to satisfy the obligation pursuant to ORS
86.705 to 86.795.

The property will be sold as provided by law on
November 12, 1991, at 10:00 o'clock a.m. based
on standard of time established by ORS 197.110
at 540 Main St., #301, Klamath Falls, Klamath
County, Oregon.

Interested persons are notified of the right under
ORS 86.733 to have this proceeding dismissed
and the trust deed reinstated by payment of the
entire amount then due, other than such portion
as would not then be due had no default oc-
curred, together with costs, trustee's and at-
torney's fees, and by curing any other default
complained of in this Notice, at any time prior to
five days before the date last set for sale.

Dated: July 1, 1991.

/s/ William L. Sisemore, Trustee
#2841 July 5, 12, 19, 26, 1991