

54744

'92 DEC 4 AM 9 20

'92 DEC 4 AM 9 45

Vol. 92 Page 28719

# Affidavit of Publication

## STATE OF OREGON, COUNTY OF KLAMATH

I, Sarah Parsons, 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 #4795

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:

SEPTEMBER 16, 23, 30, 1992

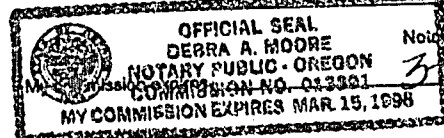
OCTOBER 7, 1992

Total Cost: \$308.00

Sarah L. Parsons

Subscribed and sworn to before me this 7TH

day of OCTOBER 19 92



Notary Public of Oregon

3/15/96

**TRUSTEE'S NOTICE OF SALE**  
Reference is made to that certain trust deed made by Barton H. Ballard and Carrie B. Ballard, as grantor, to Mountaintop Title Company of Klamath County, as trustee, in favor of Randall K. Buckmaster and Karen L. Buckmaster and William L. Smith, Jr. and Erma P. Smith, as beneficiary, dated July 10, 1989, recorded July 11, 1989, in the mortgage records of Klamath County, Oregon, in volume No. M89 at page 12688, or as No. covering the following described real property situated in said county and state, to-wit:  
The Southerly 60 feet of the Northerly 120 feet of Tract 52, PLEASANT HOME TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.  
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: payments of \$100.32 on 11/11/91 and each month thereafter.  
By reason of said default the beneficiary has declared all sums owing on the obligations secured by said trust deed immediately due and payable, said sums being the following, to-wit: \$7,200.27 with interest of 9% per annum from 7/8/92.  
WHEREFORE, notice hereby is given that the undersigned trustee will on December 4, 1992, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at 123 N. 4th 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 grantor of the said trust deed, together with any interest which the grantor or grantor's successors in interest

est 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 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 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: July 28, 1992.  
Michael L. Spencer, Successor Trustee  
#4795 Sept. 16, 23, 30, Oct. 7, 1992



**INSTRUCTIONS FOR SERVICE OF TRUSTEE'S NOTICE OF SALE UPON OCCUPANT**

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

STATE OF OREGON, County of Klamath)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 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: Unknown  
PROPERTY ADDRESS: 1814 Ivory St.  
Klamath Falls, Oregon

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 August 1, 1992, 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.

TRUSTEE'S INSTRUCTIONS FOR SERVICE UPON OCCUPANT OF  
TRUSTEE'S NOTICE OF SALE (120-Day Notice per ORS 86.750(1)) RE:  
Trust Deed from

Barton and Carrie Ballard, Grantor

TO

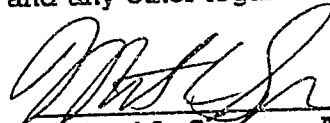
Mountain Title Company, Trustee

After recording return to: Kosta, Spencer & Macarthur  
123 N. 4th Street  
Klamath Falls, Oregon 97601

PAGE 1 -- INSTRUCTIONS FOR SERVICE OF TRUSTEE'S NOTICE OF SALE UPON  
OCCUPANT AND PROOF OF SERVICE

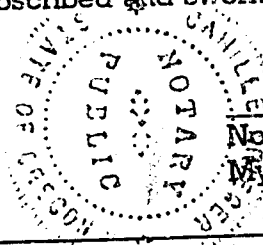


As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.



Michael L. Spencer, Attorney for Trustee

Subscribed and sworn to before me this 29th day of July, 1992.



Camille Kueger  
Notary Public for Oregon  
My commission expires 9-22-92

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



**PROOF OF SERVICE**

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:

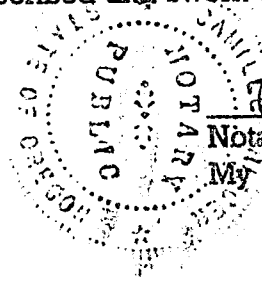
**PERSONAL SERVICE UPON INDIVIDUAL(S)**

Upon Duane Potter, by delivering such true copy to Duane Potter, personally and in person, at 1814 Ivory St., on July 29, 1992, at 5:52 o'clock A.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.



Subscribed and sworn to before me this <sup>30<sup>th</sup></sup> day of July, 1992.



Camille Krueger  
Notary Public for Oregon  
My Commission Expires: 9-22-92



## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Klamath) ss.

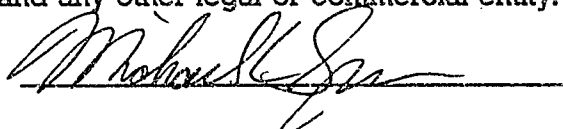
I, Michael L. Spencer, being first duly sworn, depose, and say and certify that:

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 his successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.


I gave notice of the sale of the real property described in the attached Trustee's Notice of Sale by mailing a copy thereof by registered or certified mail to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit: Barton and Carrie Ballard, P.O. Box 352, Sprague River, Oregon 97639

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Michael L. Spencer, 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 May 28, 1992, which was more than 120 days prior to the date scheduled for the foreclosure sale.

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 3rd day of December, 1992.

  
 Notary Public for Oregon  
 My Commission Expires: 9-22-96



AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE  
 RE: Trust Deed From

Barton and Carrie Ballard, Grantor

to

Mountain Title Company, Trustee

After recording return to: Kosta, Spencer & MacArthur  
 123 N. 4th Street  
 Klamath Falls, Oregon 97601

PAGE 1 -- AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE--OREGON  
 TRUST DEED SERIES.



TRUSTEE'S NOTICE OF SALE

28724

Reference is made to that certain trust deed made by Barton H. Ballard and Carrie B. Ballard, as grantor, to Mountain Title Company of Klamath County, as trustee, in favor of Randall K. Buckmaster and Karen L. Buckmaster and William L. Smith, Jr. and Erma P. Smith, as beneficiary, dated July 10, 1989, recorded July 11, 1989, in the mortgage records of Klamath County, Oregon, in volume No. M89 at page 12688, or as No. covering the following described real property situated in said county and state, to-wit:

The Southerly 60 feet of the Northerly 120 feet of Tract 52, PLEASANT HOME TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

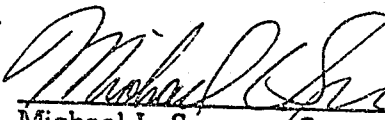
Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: payments of \$100.33 on 11/11/91 and each month thereafter.

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: \$7,200.27 with interest of 9% per annum from 7/8/92

WHEREFORE, notice hereby is given that the undersigned trustee will on December 4, 1992, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at 123 N. 4th 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 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 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 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: July 28, 1992.

  
Michael L. Spencer, Successor Trustee



State of Oregon, County of Klamath) ss.

28725

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.

Michael L. Spencer, Attorney for said Trustee

If the foregoing is a copy to **SERVE: Resident**  
be served pursuant to ORS 1814 Ivory  
86.740 or ORS 86.750(1), fill Klamath Falls, Oregon  
in opposite the name and address  
of party to be served.

P 045 760 811

**SENDER:**

- Complete items 1 through 5 for additional services.
- Complete items 3, 4, and 5.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the back of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt" in the space below the article number.
- The Return Receipt Fee will be charged to the signature of the person delivered to and the date of delivery.

3. Article Number PO45760811

4. Article Number PO45760811

4a. Service Type  
☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery 8-07-92

5. Signature (Addressee) Barbara + Carrie Ballard

6. Signature (Sender) Michael L. Spencer

PS Form 3811, November 1990 • U.S. GPO: 1991-370-000 • DOMESTIC RETURN RECEIPT

**Receipt for Certified Mail**  
No Insurance Coverage Provided  
Do not use for International Mail (See Reverse)

Sent to Barbara + Carrie Ballard  
Street and No. P.O. Box 353  
P.O., State and ZIP Code Sprague, River, OR 97639

Postage \$ .29

Certified Fee 1.00

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered 1.00

Return Receipt Showing to Whom, Date, and Addressee's Address

TOTAL Postage & Fees \$ 2.29

Postmark or Date 5/28/92

PS Form 3800, June 1991

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Kosta, Spencer, MacArthur the 4th day  
of Dec. A.D., 19 92 at 9:20 o'clock A.M., and duly recorded in Vol. M92,  
of Mortgages on Page 28719.

FEE \$40.00

Evelyn Biehn - County Clerk  
By Andrew Mulholland

PAGE 2 - TRUSTEE'S NOTICE OF SALE