

56035

K-44507

Vol. 93 Page 478

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Multnomah, ss:

I, Susan MacLeod

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

Manuel Elias

411 Pomo Lane  
Ukiah, CA 95482

Manuel Elias

P.O. Box 543  
Hopland, CA 95449

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:

David B. Paradis

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 Portland, Oregon, on October 22, 1992. 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 on October 22, 1992.

Luanne P. Inloes

Notary Public for Oregon. My commission expires 8/18/95

AFFIDAVIT OF MAILING TRUSTEE'S  
NOTICE OF SALE

RE: Trust Deed from

Manuel Elias

Grantor

TO

Klamath County Title Company

Trustee

AFTER RECORDING RETURN TO

Beverly Thomas  
1100 SW Sixth Ave., Suite 1600  
Portland, OR 97204

(DON'T USE THIS  
SPACE. RESERVED  
FOR RECORDING  
LABEL IN COUN-  
TIES 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

ON

K-44507

## TRUSTEE'S NOTICE OF SALE

479

Reference is made to that certain trust deed made by MANUEL ELIAS

KLAMATH COUNTY TITLE COMPANY, as grantor, to  
 in favor of THE TRAVELERS INDEMNITY COMPANY OF RHODE ISLAND, a Rhode Island corp., as trustee,  
 dated July 25, 19 88, recorded August 15, 19 88, in the mortgage records of  
Klamath County, Oregon, in ~~book~~ volume No. M88 at page 13111 ~~70~~  
~~except the person or persons~~ (indicate which), covering the following described real  
 property situated in said county and state, to-wit:

See Exhibit A attached hereto.

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:

See Exhibit B, Paragraph A, attached hereto.

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:

See Exhibit B, Paragraphs B, C and D, attached hereto.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 26, 19 93, at the hour of 2:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at the front steps 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 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 October 14, 19 92Dean P. Gisvold  
Dean P. Gisvold, Successor Trustee

Trustee

State of Oregon, County of Multnomah 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.

Attorney for said Trustee

If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of party to be served.

SERVE:



## EXHIBIT A

## DESCRIPTION OF PROPERTY

The following described real property situate in Klamath County, Oregon:

## Tract 1

A piece or parcel of land being portions of Sections 31 and 32, Township 34 South, Range 7½ East of the Willamette Meridian and Sections 5 and 6 of Township 35 South, Range 7½ East of the Willamette Meridian, situate in Klamath County, Oregon, and more particularly described as follows:

Beginning at the Southwesterly corner of Section 31, Township 34 South, Range 7½ East of the Willamette Meridian and running thence Northerly along the range line marking the Westerly boundary of the said Section 31, 3340.5 feet; thence Easterly parallel with and 3340.5 feet distant at right angles Northerly from the township line between Township 34 South, Range 7½ East of the Willamette Meridian and Township 35 South, Range 7½ East of the Willamette Meridian, 10,560 feet, more or less, to a point in the section line marking the Easterly boundary of the said Section 32, Township 34 South, Range 7½ East of the Willamette Meridian; thence southerly along the said section line 3340.5 feet, more or less, to the Southeasterly corner of the said Section 32; thence Southerly along the section line marking the Easterly boundary of the said Section 5, Township 35 South, Range 7½ East of the Willamette Meridian, 788.3 feet; thence Westerly, parallel with and 788.3 feet distant at right angles Southerly from the said Township line between Township 34 South, Range 7½ East of the Willamette Meridian and Township 35 South, Range 7½ East of the Willamette Meridian, 10,560 feet, more or less, to a point in the range line marking the Westerly boundary of the said Section 6, Township 35 South, Range 7½ East of the Willamette Meridian; thence Northerly along the said range line 788.3 feet, more or less, to said point of beginning.

## Tract 2

A piece or parcel of land being portions of Section 29, 30, 31 and 32, Township 34 South, Range 7½ East of the Willamette Meridian, situate in Klamath County, Oregon, and more particularly described as follows:

Beginning at a point in the range line marking the Westerly boundary of the said Section 30, Township 34 South, Range 7½ East of the Willamette Meridian, which is 394.1 feet Southerly from the Southeasterly corner of Section 24, Township 34 South, Range 6 East of the Willamette Meridian, as the same was established by Norman D. Price, U. S. Cadastral Engineer, between October 31, 1930 and June 22, 1931, and running thence Easterly to the Northwestern corner of the said Section 29, Township 34 South, Range 7½ East of the Willamette Meridian; thence Easterly along the Northerly boundary of the said Section 29, Township 34 South, Range 7½ East of the Willamette Meridian, 4905.3 feet, more or less, to a point in a line parallel with and 70 feet distant at right angles Southeasterly from the center line of Dixon and McQuiston Lower Levee as the same is now located and constructed; thence South 44°40' West, along said parallel line 349.8 feet; thence South 12°30' East, leaving said parallel line 2622.3 feet, more or less, to a point in the section line marking the Easterly boundary of the said Section 29; thence Southerly along the said section line and the section line marking the Easterly boundary

of said Section 32, Township 34 South, Range 7½ East of the Willamette Meridian, 4583 feet, more or less, to a point 3340.5 feet Northerly from the Southeast corner of the said Section 32; thence Westerly parallel with and 3340.5 feet distant at right angles Northerly from the township line between Township 34 South, Range 7½ East of the Willamette Meridian and Township 35 South, Range 7½ East of the Willamette Meridian, 10,560 feet, more or less, to a point in the range line marking the Westerly boundaries of the said Sections 30 and 31, Township 34 South, Range 7½ East of the Willamette Meridian; thence Northerly along said range line; 7131 feet, more or less, to the said point of beginning.

EXCEPTING THEREFROM any portion of the above described parcel lying Northerly of the South line of that property described as Parcel 2 in Deed from Puckett & Scherer, a co-partnership to d'Artenay Brothers, a co-partnership, recorded August 2, 1961, in Deed Volume 331 at page 367, Klamath County Deed Records.

Tract 3

The E½SE¼, the SE¼NE¼ and the E½SW¼SE¼ of Section 24, Township 34 South, Range 6 East of the Willamette Meridian.

Tract 4

That portion of land lying between the range line of Ranges 6 and 7½ East and the center line of the 4 Mile Canal, being more fully described as follows:

Starting from the section corner common to Sections 19, 30, 24 and 25, Township 34 South, Ranges 6 and 7½ East of the Willamette Meridian; thence Northerly North 0°32' East a distance of 3874.8 feet; thence Easterly North 90° East a distance of 98.0 feet, more or less, to the center line of the 4 Mile Canal; thence Southerly along the said center-line of the 4 Mile Canal, as the same is now located and constructed, South 0°03' West a distance of 4084.8 feet; thence Westerly North 88°57' West a distance of 134.5 feet, more or less, to a point on the section line between Sections 25 and 30; thence Northerly North 0°32' East, a distance of 207.6 feet, more or less, to the point of beginning.

Tract 5

That portion of the property lying North of the South boundary of the 7 Mile Ranch as the same is now located and deeded to a line 8 feet North of the North edge of the East-West Canal along the South side of the 7 Mile Ranch, more fully described as follows:

Starting from the section corner common to Sections 19, 30, 24 and 25, Township 34 South, Ranges 6 and 7½ East of the Willamette Meridian; thence South 0°32' West a distance of 394.1 feet to the point of beginning; thence Easterly South 89°50' East a distance of 10,160.7 feet; thence Northerly North 0°00' East to a point in line with a line 8.0 feet North and parallel with the North edge of the East-West Canal on the 7 Mile Ranch, as the same is now located and constructed; thence Westerly, along the said parallel line North 88°57' West a distance of 10,162.4 feet, more or less, to a point on the section line between Sections 25 and 30; thence Southerly South 0°32' West a distance of 186.5 feet to the point of beginning.

EXCEPTING THEREFROM any portion of the above described parcel conveyed to Tulana Farms by Deed recorded February 20, 1947, in Deed Volume 202 at page 411, Klamath County Deed Records.

TOGETHER WITH an easement for a 60 foot roadway for ingress and egress with the right to maintain same along the Westerly line of Sections 6, 7, 18 and 19, Township 34 South, Range 7½ East of the Willamette Meridian, as shown by easement recorded in Deed Volume 215 at page 11, Klamath County Deed Records and further conveyed by grantee to the vestees herein by documents recorded in Deed Volume 346 at page 73 and Deed Volume 346 at page 74, Klamath County Deed Records.

EXCEPTING from all of the above described parcels, any rights of way for ditches and canals, of the Meadows Drainage District and the United States.

Tract 6

A parcel of land situated in Sections 19 and 30, Township 34 South, Range 7½ East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at a point in the centerline of Four Mile Canal from which a 1" iron pipe with a 2" bronze cap (set by M. D. Price in 1931) marking the section corner common to Sections 19, 24, 25 and 30, Township 34 South, Range 6 and 7½ East; bears South 73°24'13" West - 134.35 feet, more or less; thence South 88°59'26" East 61.97 feet, more or less, to a ½" rebar; thence South 4°34'08" East - 80.14 feet to a ½" rebar; thence South 39°58'12" East - 137.90 feet to a ½" rebar; thence South 1°08'24" West - 61.14 feet to a ½" rebar, which point is 8.0 feet North of an East-West Canal; thence Westerly - 155.72 feet, more or less, along a line 8.0 feet North of said East-West Canal and a projection thereof to the centerline of Four Mile Canal; thence Northerly 247.78 feet, more or less, along the centerline of Four Mile Canal to the Point of beginning.



## EXHIBIT B

## A. CURRENT DEFAULTS

Accrued Semi-Annual payment of interest due  
July 1, 1992

\$30,975.00

Taxes for 1991-92 of \$369.59 plus penalties and interest.

Plus default interest on such unpaid amounts from July 1, 1992, until paid, and cost of foreclosure title report and guarantee, attorney fees and costs, trustee's fees, and other costs and expenses associated with the foreclosure, possible costs to insure property, if not insured by grantor, and any other sums due or that may become due under the Note or by reason of this foreclosure, including but not limited to any advances made by beneficiary or trustee as allowed by the Note or Deed of Trust. The next semi-annual payment of interest is due January 1, 1993, and if not paid, will be delinquent and accrue default interest. The next annual principal payment is due January 1, 1993, and if not paid, will be delinquent and accrue default interest.

## B. ENTIRE INDEBTEDNESS

Outstanding principal balance plus accrued and default interest as of September 1, 1992

\$632,445.08

Plus default interest from September 2, 1992, until paid at the per diem rate of \$311.8907, plus cost of foreclosure title report and guarantee, attorney fees and costs, trustee's fees and any other sums due or that may become due under the Note or by reason of this foreclosure, including but not limited to prepayment charges and advances made by beneficiary or trustee as allowed by Note and Deed of Trust.

## C. DELINQUENT PROPERTY TAXES

Delinquent real property taxes plus penalties and interest, and any other sums due the tax collector.

## D. OTHER

Any other sums due or that may become due under the Note or Deed of Trust.

KLAMATH COUNTY SHERIFF'S OFFICE - RETURN OF SERVICE

484

State of Oregon )  
County of Klamath )

Court Case No.  
Sheriff's Case No. 92-03332

Received for Service 10/26/92

I hereby certify that I received for service on  
WOIDA, ROS MARY  
the within:

TRUSTEE'S NOTICE OF SALE

WOIDA, ROSE MARY  
was served personally, and in person, at  
RESIDENCE AT THE END OF BROWN ROAD  
FORT KLAMATH, OR, on 11/02/92,  
at 12:12 hours.

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

Carl R. Burkhardt, Sheriff  
Klamath County, Oregon

By   
DAVID N. BURKHARDT

Copy to:

RANKIN & STEWART MCEWEN GISVOLD  
1100 SW 6TH AVE STE 1600  
PORTLAND OR 97204

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co the 6th day  
of Jan. A.D., 19 93 at 11:46 o'clock A.M., and duly recorded in Vol. M93,  
of Mortgages on Page 478.

FEE \$40.00

Evelyn Biehn, County Clerk

By 