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## TRUSTEE'S NOTICE OF SALE

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Reference is made to that certain trust deed made by Christopher A. Newton

Aspen Title and Escrow, Inc.

, as grantor, to

in favor of Edgar H. Viets and Neva I. Viets

, as trustee,

dated September 17, 1990, recorded September 24

, 1990, in the mortgage records of

Klamath County, Oregon, in book/reel/volume No. M90 at page 19223

by this instrument, and in the caption of the (indicate which), covering the following described real property situated in said county and state, to-wit:

See Exhibit "A" attached.

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:

\$1491.50 - Default payments on Installment Note  
 \$642.74 - Unpaid taxes  
 \$147.00 - Sanitary District Assessment

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:

\$94,096.62

WHEREFORE, notice hereby is given that the undersigned trustee will on July 9, 1993, at the hour of 10:00 o'clock, A. M., in accord with the standard of time established by ORS 187.110, at The front steps of the Klamath County courthouse 316 Main St.

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 him of the 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 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 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.

DATED March 1, 1993

Michael Polson

Trustee

State of Oregon, County of Klamath 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:

CE  
25.00

## TRUSTEE'S NOTICE OF SALE

## EXHIBIT "A"

A parcel of land lying in the SE 1/4 of the NW 1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point which bears South 88 degrees 05' West a distance of 20.4 feet and North 0 degrees 59' West a distance of 560 feet and South 89 degrees 25' West a distance of 30 feet and North 0 degrees 59' West a distance of 76 feet from the iron pin in the Dalles California Highway which marks the center of Section 2, Township 39 South, Range 9 East of the Willamette Meridian and running thence South 89 degrees 25' West parallel to the most Southerly line of Pleasant Home Tracts a distance of 215.5 feet to a point; thence North 0 degrees 59' West parallel to the center line of Wiard Street a distance of 81.6 feet, more or less, to a point which is on the Southerly line of Pleasant Home Tracts; thence North 89 degrees 25' East along the said Southerly line of Pleasant Home Tracts a distance of 215.5 feet, more or less, to an iron pin which marks the Southeasterly corner of Lot 1 Pleasant Home Tracts, and which point is 30 feet South 89 degrees 25' West from the centerline of Wiard Street; thence South 0 degrees 59' East parallel to the centerline of Wiard Street a distance of 81.6 feet, more or less, to the point of beginning.

4855

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF OREGON, County of Klamath, ss:

I, Michael Polsan, 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:

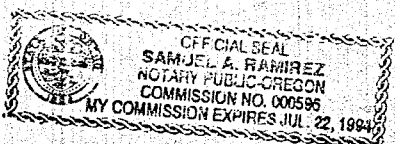
NAME	ADDRESS
Christopher A. Newton	5629 Independence Klamath Falls, OR 97603
Andy and Joan Ashley	230 Shell Blvd. Elk City, OK 73644

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 Michael Polsan

Michael Polsan, 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 March, 1993. 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 March, 1993.

Samuel A. Ramirez  
Notary Public for Oregon. My commission expires 7-22-94

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

RE: Trust Deed from

Christopher A. Newton

Grantor

TO  
Aspen Title and Escrow, Inc.

Trustee

AFTER RECORDING RETURN TO  
Michael Polsan  
514 Walnut Avenue  
Klamath Falls, OR 97601

(DON'T USE THIS SPACE. RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

STATE OF OREGON, }  
County of Klamath } ss.

I certify that the within instrument was received for record on the 8th day of March, 1993, at 8:40 o'clock P.M., and recorded in book/reel/volume No. M93 on page 4853 or as fee/title/instrument/microfilm/reception No. 58419, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk  
NAME TITLE

By Pauline J. Neill Deputy

Fee \$20.00

\* 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.