

OT 67250

TRUSTEE'S NOTICE OF SALE

Vol. M93 Page 22109

Reference is made to that certain trust deed made by King Arthur Montgomery dba Montgomery Trucking but with full rights of survivorship, as grantor, to Aspen Title & Escrow, Inc. as trustee, \*\*\*  
in favor of Bruce A. Kielsmeier and Nora B. Kielsmeier, not as tenants in common, as beneficiary,  
dated January 20, 1992, recorded January 24, 1992, in the mortgage records of  
Klamath County, Oregon, in book 7 reel/volume No. M92, 1992, at page 1507, or  
as fee/the/instrument/microfilm/reception No. 40178 (indicate which), covering the following described real  
property situated in said county and state, to-wit:

Lots 4A, 4B, 5A, 5B, 6A and 6B, Block 2, RAILROAD ADDITION TO THE CITY OF  
KLAMATH FALLS, in the County of Klamath, State of Oregon.

CODE 1 MAP 3809-33BB TL 1000

\*\*\*By Appointment of Successor Trustee dated April 15, 1993 and recorded in Vol. M93, page 7998, Neal G. Buchanan, attorney at law, was appointed Successor Trustee 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:  
monthly payment due the 24th day of January, 1993 in the sum of \$436.12, together with the monthly payment in a like amount due and payable the 24th day of each and every month thereafter; failure to pay when due the installment on the real property taxes due February 15, 1993; failure to maintain fire and other hazard insurance on the premises as required by paragraph 4 of the Trust Deed

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: 1. Unpaid balance of Promissory Note in the sum of \$31,122.39, together with interest on said sum at the rate of 10% per annum from December 21, 1992 until paid; 2. Real property taxes now due; 3. Reimbursement for fire and other hazard insurance placed on the premises at beneficiaries' expense in the sum of \$692.51; 4. All costs and expenses actually incurred in enforcing the obligation (over) WHEREFORE, notice hereby is given that the undersigned trustee will on September 7, 1993, at the hour of 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at 601 Main Street, Suite 215, First Interstate Bank Building, 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 April 29, 1993

NEAL G. BUCHANAN

Successor Trustee

State of Oregon, County of Klamath

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

SERVE:

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.

330

334 30 20104 23 15 35

22110

of the Trust Deed, together with trustee's and attorney's fees, as provided by paragraph 13 of the Trust Deed.

ON

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

22111

STATE OF OREGON, County of Klamath, ss:

I, Neal G. Buchanan

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  
King Arthur Montgomery dba Montgomery Trucking

ADDRESS  
240 Spring Street  
Klamath Falls, Oregon 97601

King Arthur Montgomery dba Montgomery Trucking

967 Bluebell  
San Luis Obispo, CA 93401


Lawrence Montgomery

2-3850 E. Cliff Drive  
Santa Cruz, CA 95062

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 Neal G. Buchanan, 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 April 29, 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 this 29th day of April, 1993.  
 MARSHA COBINE  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 010787  
MY COMMISSION EXPIRES NOV. 07, 1995

Neal G. Buchanan  
NEAL G. BUCHANAN

Marsha Cobine  
Notary Public for Oregon. My commission expires 11-7-95

\* 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  
King Arthur Montgomery dba  
Montgomery Trucking  
Grantor

TO  
Aspen Title & Escrow, Inc.  
(Neal G. Buchanan as Successor)  
Trustee

AFTER RECORDING RETURN TO

Neal G. Buchanan  
601 Main Street, Suite 215  
Klamath Falls, Oregon 97601

DO NOT 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

OC

22112



## TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON,

County of Klamath

} ss.

I, Neal G. Buchanan

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

I am the successor trustee in that certain trust deed executed and delivered by  
King Arthur Montgomery dba Montgomery Trucking as grantor  
 to Aspen Title & Escrow, Inc. as trustee \*\*\*  
 in which Bruce A. Kielsmeier and Nora B. Kielsmeier, not as tenants in common, but with full  
rights of survivorship, January 24, 1992, in the mortgage records of Klamath  
County, Oregon, in book/reel/volume No. M92, at page 1507 or as fee/file/instrument/microfilm/recep-  
tion No. 40178 (indicate which), covering the following described real property situated in said county:

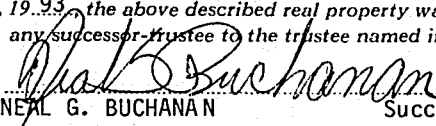
Lots 4A, 4B, 5A, 5B, 6A and 6B, Block 2, RAILROAD ADDITION TO THE CITY OF KLAMATH FALLS,  
in the County of Klamath, State of Oregon.

CODE 1 MAP 3809-33BB TL 1000

\*\*\*By Appointment of Successor Trustee dated April 15, 1993 and recorded in Vol. M93,  
 page 7998, Neal G. Buchanan, attorney at law, was appointed as Successor Trustee.

I hereby certify that on April 28, 1993, 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.

  
 NEAL G. BUCHANAN

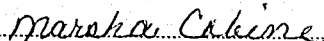
Successor Trustee

Subscribed, sworn to and acknowledged before me this 29th day of April, 1993.

(SEAL)



OFFICIAL SEAL  
 MARSHA COBINE  
 NOTARY PUBLIC - OREGON  
 COMMISSION NO. 010787  
 MY COMMISSION EXPIRES NOV. 07, 1995



Notary Public for Oregon

My Commission expires: 11-7-95TRUSTEE'S AFFIDAVIT  
AS TO NON-OCCUPANCY

RE: Trust Deed from  
King Arthur Montgomery dba  
Montgomery Trucking

Grantor

to  
Aspen Title & Escrow, Inc.  
(Neal G. Buchanan as Successor)

Trustee

AFTER RECORDING RETURN TO

Neal G. Buchanan  
601 Main Street, Suite 215  
Klamath Falls, Oregon 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/instru-  
 ment/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, 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 #5600

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:

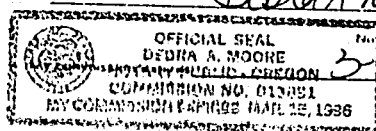
JULY 2, 9, 16, 23, 1993

Total Cost: \$632.32

*Sarah L Parsons*

Subscribed and sworn to before me this \_\_\_\_\_ 23RD

day of JULY 19 93



## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by King, Arthur, Montgomery, dba Montgomery Trucking, as grantor, to Aspen Title & Escrow, Inc., \*\*\* but with full rights of survivorship, as trustee, in favor of Bruce A. Kleismeler and Nora B. Kleismeler, not as tenants in common, as beneficiary, dated January 20, 1992, recorded January 24, 1992, in the mortgage records of Klamath County, Oregon, in volume No. M92 at page 1507, or as Instrument No. 40178 covering the following described real property situated in said county and state, to wit: Lots 4A, 4B, 5A, 5B, 6A, and 6B, Block 2, RAILROAD ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon.

Code 1 Map 3809-33BB TL 1000.

\*\*\*By Appointment of Successor Trustee dated April 15, 1993 and recorded in Vol. M93, page 7998, Neal G. Buchanan, attorney at law, was appointed Successor Trustee.

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:

monthly payment due the 24th day of January, 1993 in the sum of \$436.12, together with the monthly payment in a like amount due and payable the 24th day of each and every month thereafter; failure to pay when due the installment on the real property taxes due February 15, 1993; failure to maintain fire and other hazard insurance on the premises as required by paragraph 4 of the Trust Deed.

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: 1. Unpaid balance of Promissory Note in the sum of

\$31,122.39, together with interest on said sum at the rate of 10% per annum from December 21, 1992 until paid; 2. Real property taxes now due; 3. Reimbursement for fire and other hazard insurance placed on the premises at beneficiary's expense in the sum of \$692.51; 4. All costs and expenses

actually incurred in enforcing the obligation of the Trust Deed, together with trustee's and attorney's fees, as provided by paragraph 13 of the Trust Deed.

WHEREFORE, notice hereby is given that the undersigned trustee will on September 7, 1993, at the hour of 1:00 o'clock P.M., in accord with the standard of time established by ORS 187.110, at 601 Main Street, Suite 215 (First Interstate Bank Building) 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 in 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 APRIL 29, 1993  
NEAL G. BUCHANAN  
Successor Trustee  
#5600 July 2, 9, 16, 23, 1993

cc: client 8-2-93

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ Neal G. Buchanan the 31st day  
of Aug. A.D., 19 93 at 2:09 o'clock P.M., and duly recorded in Vol. M93  
of \_\_\_\_\_ Mortgages on Page 22109.

FEE \$30.00

Evelyn Biehn County Clerk

By *Sandra Mullen*