

FORM No. 1170-AFFIDAVIT RE 120 DAY SERVICE ON OCCUPANT—OTHER TYPE Deed 5-7-93

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NEED TO BE COMPLETED BY THE TRUSTEE OR ATTORNEY SERVING THE TRUSTEE'S NOTICE OF SALE UPON OCCUPANT  
 74669 INSTRUCTIONS FOR SERVICE OF TRUSTEE'S NOTICE OF SALE UPON OCCUPANT  
 AND PROOF OF SERVICE

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:  
 STATE OF OREGON, County of Multnomah ) 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  
 (If unknown, so state)

PROPERTY ADDRESS

Carey D. Welch

PER ATTACHED LEGAL DESCRIPTION KNOWN  
 AS EXHIBIT "A"

Any and all other occupants of:

SAME AS ABOVE

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 October 17, 1993, 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.

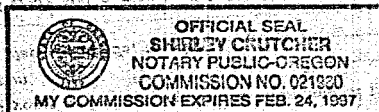
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

TRANSAMERICA TITLE INSURANCE COMPANY

Successor (Attorney/Trustee)

Subscribed and sworn to before me this 1st day of October, 1993.

Notary Public for Oregon. My commission expires:



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

TRUSTEE'S INSTRUCTIONS AND PROOF OF  
 SERVICE UPON OCCUPANT OF TRUSTEE'S  
 NOTICE OF SALE

(120-Day Notice per ORS 86.750(1))

RE: Trust Deed from

Welch

Grantor

TO

Farmer's Home Administration

Trustee

AFTER RECORDING RETURN TO:  
 Transamerica Title Ins. Co.

12360 E. Burnside

Portland, Oregon 97233

Attn: J. Thompson

SPACE RESERVED

FOR

RECORDER'S USE

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

By

TITLE

Deputy

KLAMATH COUNTY SHERIFF'S OFFICE - RETURN OF SERVICE

1902

State of Oregon )  
County of Klamath )

Court Case No.  
Sheriff's Case No. 93-03183

Received for Service 10/11/93

I hereby certify that I received for service on  
WELCH, CAREY D  
the within:

TRUSTEE'S NOTICE OF SALE

WELCH, CAREY D  
true copies of the above listed process at the main entrance of the  
dwelling located at 16075 HWY 66  
KEND  
, OR, on 10/18/93 at 14:08 hours.

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

Carl R. Burkhart, Sheriff  
Klamath County, Oregon

By Rebecca Dailey  
DAILEY, REBECCA

Copy to:

INSURANCE TRANSAMERICA TITLE  
12360 EAST BURNSIDE  
PORTLAND

B1601  
OR 97216

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

1303

STATE OF OREGON, County of Multnomah, ss:  
I, James D. Thompson, 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  
Carey Welch

ADDRESS

P.O. Box 651, Keno, Oregon 97627

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.\*

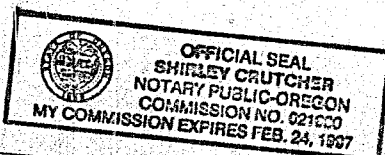
Each of the notices so mailed was certified to be a true copy of the original notice of sale by \_\_\_\_\_, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Portland, Oregon, on October 13, 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.

TRANSAMERICA TITLE INSURANCE COMPANY

Subscribed and sworn to before me on October 13, 1993.

Shirley Crutcher  
Notary Public for Oregon. My commission expires \_\_\_\_\_



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

RE: Trust Deed from

Welch

Grantor

TO

Farmer's Home Administration

Trustee

AFTER RECORDING RETURN TO  
Transamerica Title Ins. Co.  
12360 E. Burnside  
Portland, Oregon 97233  
Attn: S. Crutcher #810

(DON'T USE THIS SPACE; RESERVED FOR RECORDING LABEL (4 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

By \_\_\_\_\_ TITLE \_\_\_\_\_ Deputy

\* 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.

## TRUSTEE'S NOTICE OF SALE

1904 9

Reference is made to that certain trust deed made by Carey D. Welch

Farmers Home Administration, U.S.D.A., as grantor, to  
 in favor of United States of America, as trustee,  
 dated April 15, 1987, recorded April 16, 1987, in the mortgage records of  
Klamath County, Oregon, in book/fee/volume No. M87 at page 6412, or  
 as fee/file/instrument/microfilm/reception No. \_\_\_\_\_ (indicate which), covering the following described real  
 property situated in said county and state, to-wit:

FOR LEGAL DESCRIPTION SEE ATTACHED EXHIBIT "A"

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 86.753(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

6 payments in the amount of \$487.00 each. 1991-92 and 1992-93 real property taxes.

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:

Principal	: \$46,417.70	All fees, costs and expenses incurred in this
Interest as of 9/21/93:	526.32	foreclosure. Recapture of subsidized interest,
Daily Accrual	: 10.8096	if any. All sums advanced, if any, to protect
		the property or the beneficiary's interest
		therein.

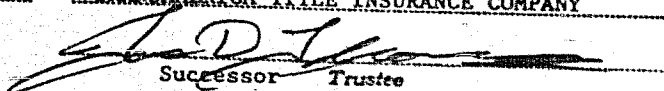
WHEREFORE, notice hereby is given that the undersigned trustee will on February 14, 1994, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at Main entrance to the Klamath County Courthouse

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 September 29, 1993

TRANSAMERICA TITLE INSURANCE COMPANY



Successor Trustee

State of Oregon, County of \_\_\_\_\_ 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: \_\_\_\_\_

1905

## EXHIBIT "A"

A parcel of land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 1, Township 40 South, Range 7 East of the Willamette Meridian, more particularly described as follows:  
 Beginning at a point on the Northerly right of way line of the Green Springs Highway, opposite and 30.0 feet distant from Engineer's Center Line Station 1815+71, said point also being 720 feet South and 1456 feet West of the Northeast corner of Section 1, Twp. 40 South, Range 7 East, W.M.; thence North 57°44' East a distance of 150.0 feet along the said right of way line; thence North 1°17' East a distance of 185 feet; thence South 65°22' West a distance of 336.6 feet; thence South 54°31' East a distance of 215 feet to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 18th day  
 of Jan A.D., 1994 at 3:30 o'clock P.M., and duly recorded in Vol. M94  
 of Mortgages on Page 1901  
 Evelyn Biehn, County Clerk  
 By Orville Mullendore

FEE \$35.00