

11126

Aspen #04043103/P

Vol. 195 Page 35236

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

RECEIVED
KLAMATH COUNTY
NOTARY'S OFFICE

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:
STATE OF OREGON, County of KLAMATH) ss.

95 AUG -8 AM 6:45

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 deed, are as follows:

NAME OF PERSON TO BE SERVED
(If unknown, so state)

PROPERTY ADDRESS

BOWERS EXCAVATING & FENCING

3427 WASHBURN WAY
KLAMATH FALLS, OREGON 97603

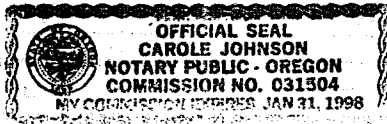
If the occupant is indicated as "unknown", or if you find the property at said address to be occupied by other than the person named, then you are instructed to serve the person or persons whom you find to be occupying said property.

Service should be made by AUGUST 15, 1995, 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.

Subscribed and sworn to before me this 7th day of AUGUST, 1995.

Notary Public for Oregon. My commission expires: 7-31-99



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

Grantor

TO

Trustee

AFTER RECORDING RETURN TO

ASPEN TITLE & ESCROW, INC
ATTN: FORECLOSURE DEPARTMENT

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 TITLE

By _____ Deputy

PROOF OF SERVICE

35237



STATE OF _____, County of _____) 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 _____, by delivering such true copy to him/her, personally and in person,
at _____, on _____, 19____, at _____ o'clock ____M.
Upon _____, by delivering such true copy to him/her, personally and in person,
at _____, on _____, 19____, at _____ o'clock ____M.

Substituted Service Upon Individual(s)

Upon _____, by delivering such true copy at his/her dwelling house
or usual place of abode, to-wit: _____,
to _____, who is a person over the
age of 14 years and a member of the household of the person served on _____, 19____, at _____ o'clock ____M.
Upon _____, by delivering such true copy at his/her dwelling house
or usual place of abode, to-wit: _____,
to _____, who is a person over the
age of 14 years and a member of the household of the person served on _____, 19____, at _____ o'clock ____M.

Office Service Upon Individual(s)

Upon _____, at the office which he/she maintains for the conduct of
business at _____,
by leaving such true copy with _____, the person who
is apparently in charge, on _____, 19____, during normal working hours, at to-wit: _____ o'clock, ____M.

Service on Corporations, Limited Partnerships or Unincorporated Associations Subject to Suit Under a Common Name

Upon _____, by
(Name of Corporation, Limited Partnership, etc.)
(a) delivering such true copy, personally and in person, to _____ who is a/the
* _____ thereof; OR
(b) leaving such true copy with _____, the person who is apparently in charge of the
office of _____, who is a/the * _____ thereof;
* Specify registered agent, officer (by title), director, general partner, managing agent.
at _____, on _____, 19____, at _____ o'clock ____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 _____ day of _____, 19____.

Notary Public for Oregon
My commission expires _____

PUBLISHER'S NOTE: ORS 86.740(2) requires that the Notice of Sale be served in the manner in which a summons is served pursuant to Oregon Rules of Civil Procedure 7 D. (2) and 7 D. (3). The Proof of Service above contains most, but not all, of the methods of service. For example, this form does not include proof of service upon a minor or incapacitated person. See ORCP 7 D. (2) and 7 D. (3) for complete service methods on particular parties.

ASPEN 04043403/F
TRUSTEE'S NOTICE OF SALE

35238

Reference is made to that certain trust deed made by BOWERS EXCAVATING & FENCING

ASPEN TITLE & ESCROW, INC, as grantor, to
 in favor of LYLE COPPEDGE, as trustee,
 dated SEPTEMBER 18, 1992, recorded SEPTEMBER 21, 1992, in the mortgage records of
KLAMATH County, Oregon, in book 184 volume M92 at page 21658, or
 as fee/ ~~the instrument for which this notice is given~~ No. 50962 (indicate which), covering the following described real
 property situated in said county and state, to-wit:

The West 790 feet of Tract 70, FAIR ACRES SUBDIVISION NO. 1, in the County of Klamath,
 State of Oregon.
 Code 41 Map 3809-35DD-TL 300

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 de-
 fault for which the foreclosure is made is grantor's failure to pay when due the following sums:

Balance of monthly installments of \$957.00 due from March 18, 1994 to present; and
 subsequent installments of like amounts; subsequent amounts for assessments due under
 the terms and provision of the Note and 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:

\$39,860.10 plus interest and late charges, thereon from March 18, 1994 at the rate of
 TEN (10.0%) PERCENT PER ANNUM until paid and all sums expended by the Beneficiary pursuant
 to the terms and provisions of the Note and Trust Deed plus any and all taxes owing.

WHEREFORE, notice hereby is given that the undersigned trustee will on JANUARY 2, 1996,
 at the hour of 11:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at
FRONT ENTRY TO ASPEN TITLE & ESCROW, INC LOCATED AT 525 MAIN 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 per-
 formance 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 AUGUST 7, 1995

Trustee

State of Oregon, County of KLAMATH, ss:

I, the undersigned, certify that I am the ~~attorney in fact~~ attorney in fact of the above named trustee and that
 the foregoing is a complete and exact copy of the original trustee's notice of sale.

~~XXXXXXXXXX~~ 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: _____

KLAMATH COUNTY SHERIFF'S OFFICE - RETURN OF SERVICE

35239

State of Oregon)
County of Klamath)

Court Case No.
Sheriff's Case No. 95-02467

Received for Service 08/08/95

I hereby certify that I received for service on
BOWERS EXCAVATING & FENCING, INC.
the within:

TRUSTEE'S NOTICE OF SALE

BOWERS EXCAVATING & FENCING, INC.

was served by leaving a true copy of the process with
BOWERS, JERRY
of said business, at 3427 WASHBURN WAY
KLAMATH FALLS , OR, on 08/09/95, at
10:05 hours.

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

Carl R. Burkhardt, Sheriff
Klamath County, Oregon

By TERRI ALEXANDER
ALEXANDER, TERRI L

Copy to:

ASPEN TITLE & ESCROW, INC
525 MAIN
KLAMATH FALLS

OR 97601

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 27th day
of December A.D., 19 95 at 3:51 o'clock P. M., and duly recorded in Vol. M95
of Mortgages on Page 35236

FEE \$25.00

Bernetha G. Letsch, County Clerk
By Susan Wood