FORM No. 1170—AFFIDAVIT RE 120 DAY SERVICE ON OCCUPANT—Oregon Trust Deed Series. STEVENS-NESS LAW PUB. CO., PORTLAND, OR. 97204

OC 11957 Vol. M96 Page 1241

# 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* Klamath } 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 |
|---|---|
| Sheryl A. Torres | 4461 Day Drive<br>Klamath Falls OR 97603 |
| Thomas W. Torres | 4461 Day Drive<br>Klamath Falls OR 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* September 24 *, 19* 95 *, 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.*

William M. Ganong
*(Attorney for) Trustee*

OFFICIAL SEAL
WENDY YOUNG
NOTARY PUBLIC - OREGON
COMMISSION NO. 008792
MY COMMISSION EXPIRES AUG. 31, 1995

*Subscribed and sworn to before me this* 18th *day of* September *, 19* 95

(SEAL) *Notary Public for Oregon. My commission expires:* 8/31/95

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*
Thomas W. & Sheryl A. Torres
4461 Day Drive, Klamath Falls
Oregon 97603 *Grantor*

TO
William M. Ganong,
Successor Trustee
*Trustee*

AFTER RECORDING RETURN TO
William M. Ganong
635 Main Street
Klamath Falls OR 97601

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*

96-01-16P03:26 RCVD

2502

JOSEPH "R" MOUNTAIN
INVESTIGATIONS
P. O. BOX 800
MERRILL, OREGON

DECLARATION OF SERVICE
NOTICE OF TRUSTEE'S SALE

TRUSTEES

I, T. J. MINCHINTON do here by certify and declare that on SEPTEMBER 20,1995 at the approximate time of 5:50 P.M. I served a Certified Copy, of NOTICE OF TRUSTEE'S SALE , to THOMAS W.. TORRES by handing him the notice, personally and in person, while at 4461 Day Drive, Klamath Falls, Klamath County, Oregon

I further certify that I am a competent person over the age of 18 years, a resident of the State of Oregon, not a party to, nor an Officer, Director for, employee of, nor Attorney for any party, corporate, or otherwise; that the person, firm, or corporation served by me is the identical person, firm, or corporation named in the action

Dated on this the 21st day of September, 1995

T.J. MINCHINTON

JOSEPH "R" MOUNTAIN
INVESTIGATIONS
P. O. BOX 800
MERRILL, OREGON

DECLARATION OF SERVICE
NOTICE OF TRUSTEE'S SALE

TRUSTEES

I, T. J. MINCHINTON do here by certify and declare that on SEPTEMBER 18,1995 at the approximate time of 6:45 P.M. I served a Certified Copy of NOTICE OF TRUSTEE'S SALE , to SHERYL A. TOREES by handing her the notice, personally and in person, while at 4461 Day Drive, Klamath Falls, Klamath County, Oregon

I further certify that I am a competent person over the age of 18 years, a resident of the State of Oregon, not a party to, nor an Officer, Director for, employee of, nor Attorney for any party, corporate, or otherwise; that the person, firm, or corporation served by me is the identical person, firm, or corporation named in the action

Dated this the 22, day of September 1995.

T. J. MINCHINTON

# TRUSTEE'S NOTICE OF SALE



YOU ARE GIVEN NOTICE: THAT THE BENEFICIARY AND TRUSTEE HAVE ELECTED TO SELL THE PROPERTY DESCRIBED BELOW TO SATISFY THE FOLLOWING DESCRIBED OBLIGATION:

1. The names of the Grantor, Trustee and Beneficiary named in the subject Trust Deed are:

A. Grantor: Thomas W. Torres and Sheryl A. Torres, husband and wife

B. Trustee: Mountain Title Company of Klamath County

C. Beneficiary: Henry J. Caldwell, Jr. and Deborah L. Caldwell, husband and wife, Henry J. Caldwell and Geneva B. Caldwell, husband and wife

2. The legal description of the property covered by the subject Trust Deed is:

Lot 5 in Block 8, FIRST ADDITION TO CYPRESS VILLA, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

3. The Book, page number and the date the subject Trust Deed was recorded in the Mortgage Records of Klamath County, Oregon are:
Book: M94 Page: 30732 Date Recorded: September 30, 1994

4. The default for which the foreclosure is made is the Grantor's failure to pay monthly installments of $254 per month for the month of August, 1995 and the 1994-95 real property taxes and interest in the amount of $1,520.71.

5. The sum owing on the obligation secured by the subject Trust Deed is the principal amount of $14,245.24 plus interest thereon at the rate of 12% per annum from August 14, 1995, until paid.

6. The Beneficiary and the Trustee have elected to foreclose the above referenced Trust Deed pursuant to the provisions of Oregon Revised Statutes 86.705 to 86.795.

7. The Trustee will conduct a sale of the above described property at 10:00 a.m. on the 22nd of January, 1996, at the front steps of 635 Main Street, Klamath Falls, Oregon.

8. Pursuant to ORS 86.753, the Grantor, the Grantor's successor in interest to all or any part of the above described property, any beneficiary under a subordinate Trust Deed, or any person having a subordinate lien or encumbrance of record on the property, may cure the default or defaults at any time prior to five days before the above said date of sale by paying the entire amount due at the time of cure under the terms of the obligation, other than such portion as would not then be due had no default occurred. In addition, the person affecting the cure shall pay all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the Trustee's and Attorney's fees specified in the said statute.

In construing this instrument, 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 persons owing an obligation, the performance of which is secured by said Trust Deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated this 18th day of September, 1995.

William M. Ganong
Successor Trustee
635 Main Street
Klamath Falls, OR 97601

STATE OF OREGON: COUNTY OF KLAMATH : ss.

Filed for record at request of Wm Ganong the 16th day of Jan A.D., 19 96 at 3:26 o'clock P M., and duly recorded in Vol. M96, of Mortgages on Page 1241.

FEE $25.00

Bernetha G. Letsch, County Clerk
By Lynelle Fleety