

13248

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

Vol 1396 Page 3981

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 ~~XXXXXX~~ 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)

THOMAS R. WELDING &
DEPHANE WELDING

THOMAS R. WELDING &
DEPHANE WELDING

PROPERTY ADDRESS

1309 HILLIKER PLACE
LIVERMORE, CALIFORNIA 94550

1317 HILLIKER PLACE
LIVERMORE, CALIFORNIA 94550

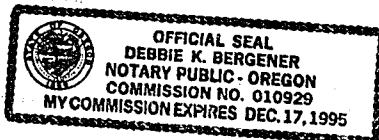
If the occupant is indicated as "unknown", or if you find the property at said address to be occupied by other than the person named, then you are instructed to serve the person or persons whom you find to be occupying said property.

Service should be made by OCTOBER 16, 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 19 day of SEPTEMBER, 1995.

Notary Public for Oregon. My commission expires: 12-17-95



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

RE: Trust Deed from GRANTOR

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

Grantor

TO

Trustee

AFTER RECORDING RETURN TO

ASPEN TITLE & ESCROW, INC.
ATTN: FORECLOSURE DEPARTMENT

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

STATE OF CALIFORNIA

PROOF OF SERVICE

ALAMEDA

3982

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:

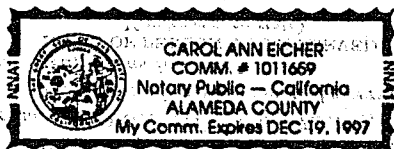
Upon THOMAS R. WELDING Personal Service Upon Individual(s)
at 1309 HILLIKER PLACE LIVERMORE by delivering such true copy to him/her personally and in person,
on OCTOBER 19 95 at 1:00 o'clock P.M.
Upon DEPHANE WELDING by delivering such true copy to him/her personally and in person,
at 1309 HILLIKER PLACE LIVERMORE on OCT 05 1995 at 1:00 o'clock P.M.
BY POSTING & SAMEDAY MAILING FROM LIVERMORE POST OFFICE

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.



JOHN LEE MCMEKIN

Subscribed and sworn to before me this 14th day of November, 1995.

Notary Public for Oregon California
My commission expires Dec. 19, 1997

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.

DECLARATION OF REASONABLE DILIGENCE

3983

NAME, ADDRESS & TELEPHONE NUMBER OF
ATTORNEY(S):

PLAINTIFF(S)

PHONE NUMBER: ()

SECRETARY:

DEFENDANT(S)

ATTORNEY(S) FOR: PLAINTIFF

COURT: ()
()
()

CASE NUMBER: ##

PRIOR TO SUBSTITUTED SERVICE AS INDICATED ON THE ATTACHED PROOF OF SERVICE I,
J. MCMEEKIN

MADE THE FOLLOWING ATTEMPTS TO PERSONALLY SERVE:
THOMAS R. & DEPHANE WELDING

AT THE DATE(S) AND TIME(S) BELOW:

ATTEMPTS:

10/05/95 HOME & PROPERTY FOR SALE-ALSO MOBIL HOME ON PROPERTY

FOR SALE: REMAX CORP 510 602-0123 (B)BOB)

DESCRIPTION:

HOME ADDRESS OF: 1309 HILLIKER PLACE LIVERMORE

BUSINESS ADDRESS OF:

COMMENTS: HOME FOR SALE-MAIL PILED UP INSIDE MAIL BOX
CHECK THROUGHOUT THE MONTH WITH SAME RESULTS

COPIES MAILED: DATE: 10/05/95

ADDRESS LIVERMORE POST OFFICE

I EXPLAINED THE GENERAL NATURE OF THE PAPERS, ASKED THAT THEY BE GIVEN TO THE DEFENDANT, AND
LEFT THE PAPERS WITH:
(INSERT NAME AND RELATIONSHIP WITH WHOM PAPERS WERE LEFT WITH)

FEES: \$ 50.00

EXECUTED ON 10/05/95 AT LIVERMORE, CALIFORNIA

DATE AND PLACE OF MAILING 10/05/95 LIVERMORE, CALIFORNIA

TYPE OF MAILING: FIRST CLASS MAIL

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: 11/14/95 SIGNATURE

ALAMEDA COUNTY, #228

ASPEN 04043679/F
TRUSTEE'S NOTICE OF SALE

3984

Reference is made to that certain trust deed made by THOMAS R. WELDING and DEPHANE WELDING, husband and wife as joint tenants ASPEN TITLE & ESCROW, INC., successor trustee, as grantor, to ASPEN TITLE & ESCROW, INC., a married man as to a 135/135 interest, as trustee, in favor of MARTIN MACKOWSKI, dated OCTOBER 18, 1994, recorded NOVEMBER 4, 1994, in the mortgage records of Klamath County, Oregon, in book/entry No. M94, at page 34208, or as fee/entry No. 90641 (indicate which), covering the following described real property situated in said county and state, to-wit:

LOT 17, BLOCK 7, TRACT 1140, Lynnewood First Addition in the City of Klamath Falls, in the County of Klamath, State of Oregon.
CODE 1 MAP 3808-25DC-TL 1800

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: Balance of monthly installments of \$1,406.25 due for August 1, September 1, 1995; and a late charge of \$140.63 due for August, 1995; subsequent amounts for assessments due under the terms and provisions of the Note and Trust Deed. The first Deed of Trust on the Livermore property is delinquent, thereby jeopardizing the security interest of the Beneficiary.

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: \$135,000.00 plus interest and late charges, thereon from August 1, 1994 at the rate of TWELVE POINT FIVE PER CENT PER ANNUM (12.5%) 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 property taxes owing.

WHEREFORE, notice hereby is given that the undersigned trustee will on FEBRUARY 19, 1996, at the hour of 11:10 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 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 18, 1995.

[Signature]

Trustee

State of Oregon, County of KLAMATH ss:

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

[Signature]

Successor

~~Successor~~ Trustee

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title the 12th day of Feb A.D., 1996 at 11:35 o'clock A.M., and duly recorded in Vol. M96 of Mortgages on Page 3981.

FEE \$20.00

Bernetha G. Letsch, County Clerk

By *[Signature]*