

13251

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

Vol. 96 Page 3989

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

RICHARD BARNETT

9584 WRIGHT LAND
BROWNSVILLE, CALIFORNIA 95919

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.

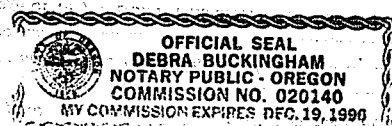
Service should be made by OCTOBER 18, 1995, which is 120 days before the date fixed for the sale in the attached notice. If you have not made service by that date, and the property appears occupied, persist in making service until it has been accomplished.

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 _____ day of _____, 19____

Marlene T. Addington
(Attorney for) Trustee

Notary Public for Oregon. My commission expires: 12/19/94



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 aforesaid.

NAME

TITLE

By _____ Deputy

ON

TRUSTEE'S NOTICE OF SALE

3990

Reference is made to that certain trust deed made by RICHARD BARNETT, as grantor, to ASPEN TITLE & ESCROW, INC., as trustee, in favor of WILLIAM C. POOLE, as beneficiary, dated NOVEMBER 28, 1994, recorded DECEMBER 13, 1994, in the mortgage records of KLAMATH County, Oregon, in book/~~PERMITS~~ No. M94 at page 37696, or as fee/~~PERMITS~~ No. 92404 (indicate which), covering the following described real property situated in said county and state, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF AS THOUGH FULLY SET FORTH HEREIN.....

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 not less than \$500.00 a month due for the months of June, July and August of 1995; and subsequent amounts for assessments due under the terms and provisions 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: \$61,600.00 plus interest and late charges, thereon from June, July and August of 1995 at the rate of NINE (9.0%) PERCENT PER ANNUM until paid and all sums expended by the Beneficiary pursuant to the terms and provisions of the Note and Trust Deed; any and all property taxes owing.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 19, 1996, at the hour of 11:00 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 OREGON, 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 AUGUST 23, 1995.



Trustee

State of Oregon, County of KLAMATH ss:

I, the undersigned, certify that I am the ~~undersigned~~ attorney in fact for 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:

EXHIBIT "A"

3991

PARCEL 1

The S $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28, Township 38 South, Range 13 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PARCEL 2

The S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 33, Township 38 South, Range 13 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

Code 36 Map 3813 TL 3000

Code 36 Map 3813 TL 3100

Code 36 Map 3813 TL 3200

ASPEN TITLE & ESCROW INC
525 MAIN STREET
KLAMATH FALLS, OR 97601
Telephone: (503) 884-5137
Attorney for: ASPEN TITLE & ESCROW

3992

XX

Plaintiff: ASPEN TITLE & ESCROW
Defendant: RICHARD BARNETT
Hearing: <No Information>

Proof of Service

Case No. 04043625/F
File No. 95-015458-0

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the:
TRUSTEE'S NOTICE OF SALE

2. Party served: RICHARD BARNETT
9584 WRIGHT LANE
BROWNSVILLE

3. I served the party named in item 2
a. by personally posting copies at the premises.
(1) on (date): 10-26-95
(2) at (time): 12:20
c. by mailing copies to the person served, addressed as shown in item 2, by first-class mail, postage prepaid.
(1) on (date): 10-26-95 (2) from (city): Marysville, CA

4. Remarks. None.

5. Person serving: CPL VIGNERY
P.O. Box 1389
215 5th Street
Marysville, CA 95901

6. Service Fee: \$.00

Phone: (916) 741-6355

7. I am a California officer and I certify that the foregoing is true and correct.

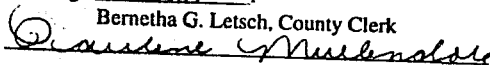
Date: OCTOBER 30, 1995


SHERIFF'S AUTHORIZED AGENT

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title the 12th day
of Feb A.D., 19 96 at 11:35 o'clock A M., and duly recorded in Vol. M96
of Mortgages on Page 3989.

FEE \$25.00

By  Bernetha G. Letsch, County Clerk