

33376

TRUSTEE'S NOTICE OF SALE

K 49873

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IN THE

COURT OF THE STATE OF OREGON

COUNTY OF JOSEPHINE

COURT CASE NO.

JACK LUOMA AND DELILAH LUOMA, GRANTOR

JOSEPHINE-CRATER TITLE CO., TRUSTEE

vs. FLOYD A. MCCURDY, BENEFICIARY

STATE OF OREGON

)

) SS.

County of KLAMATH

)

AFFIDAVIT/PROOF OF SERVICE

I HEREBY CERTIFY, that I made service of the following upon the individual(s) named below by delivering a certified/true copy of:

SUMMONS & COMPLAINT SUMMONS & PETITION GARNISHMENT/WAGE ASSIGNMENT
 RESTRAINING ORDER ORDER TO SHOW CAUSE SUBPOENA
 SMALL CLAIMS MOTION AFFIDAVIT
 XX OTHER TRUSTEE'S NOTICE OF SALE

XX PERSONAL SERVICE (Personally and in person)

Upon DELILAH LUOMA, by delivering said true copy, personally
 and in person at 2447 DARROW ST. KLAMATH FALLS, OR on NOVEMBER 7, 1996
 at the hour of 4:43 P.M.

Upon _____, by delivering said true copy, personally
 and in person at _____ on _____, 19____
 at the hour of _____.

XX SUBSTITUTE SERVICE (By serving a member of the household over the age of 14)

Upon JACK LUOMA & SUZANNE LUOMA, by delivering said true copy, at the usual
 place of abode, 2447 DARROW ST. KLAMATH FALLS, to DELILAH LUOMA
 on NOVEMBER 7, 1996, at the hour of 4:43 P.M.

XX OFFICE SERVICE (By serving the person apparently in charge)

Upon _____, at the office which he/she maintains for
 the conduct of business at _____ by leaving said true
 copy with _____ on _____, 19____
 at the hour of _____.

GARNISHMENT/WAGE ASSIGNMENT

Upon _____, by delivering to _____
 on _____, 19____
 at the hour of _____.

POSTING

Upon _____, by posting at the main entrance at
 on _____, 19____
 at the hour of _____.

NOT FOUND

After due and diligent search and inquiry, I hereby return that I have been unable to locate, within said County, the
 within named _____.

ALL SEARCH AND SERVICES WERE MADE WITHIN THE COUNTY OF KLAMATH

I am a competent person over the age of 18, a resident of said State, not a party to nor an
 officer, director or employee of, not attorney for any party, corporate or otherwise and knew
 that the person, firm or corporation served is the identical one named in the action.

Subscribed to and sworn to before me this _____
 day of _____, 19____.

Return to: Brown, Hughes, Bird, Lane & Rote
 Attorney's at Law
 P.O. Box 1249
 Grants Pass, Or 97526

Jackie L. Hayden
 JACKIE L. HAYDEN

Remit to:	Service Fee	\$
Mueller's Investigation Co.	Mileage	\$
308 Coll Avenue	Rush/Emergency	\$
Klamath Falls, OR 97601		\$
(503) 883-7051		\$
Date: NOV. 7, 1996	Amount Paid	\$
File No.:	TOTAL DUE	\$

Papers

Received From VERN MEYERS

5574



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 Josephine) 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

OCCUPANTS 2447 Darrow Avenue, Klamath Falls, OR

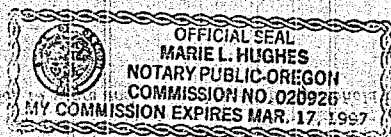
If the occupant is indicated as "unknown", or if you find the property at said address to be occupied by other than the person named, then you are instructed to serve the person or persons whom you find to be occupying said property.

Service should be made by November 20, 1996, 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.

John M. Van 058 91942
(Attorney for) Trustee

Subscribed and sworn to before me this 28th day of October, 1996



Marie L. Hughes
Notary Public for Oregon. My commission expires: 03-17-97

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
JACK LUOMA and
ELILAH M. LUOMA

Grantor

TO
JOSEPHINE-CRATER TITLE
COMPANIES, INC.

Trustee

AFTER RECORDING RETURN TO

22111 ON

SPACE RESERVOIR

FOR

RECORDEE'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/tile/instrument/microfilm/reception No. _____.
Record of Mortgages of said County.
Witness my hand and seal of County affixed.

NAME

TITLE

By _____ Deputy

SECOND OF TWO PAGES

I certify this document is an exact
and complete copy of the original.

Marie Hughes
BROWN, HUGHES, BIRD, LANE & ROTE

TRUSTEE'S NOTICE OF SALE

NOTICE is hereby given that the obligation secured by the trust deed described herein is in default, and that the beneficiary has elected to foreclose the trust deed pursuant to ORS 86.705 to 86.795. No action is now pending to recover any part of the debt secured by the trust deed.

Information required by ORS 86.735 and ORS 86.745 is as follows:

1. Grantor: JACK LUOMA and DELILAH M. LUOMA

Trustee: JOSEPHINE-CRATER TITLE COMPANIES, INC.

Successor Trustee: THOMAS M. KEARNEY

Beneficiary: FLOYD A. McCURDY

2. Property covered by the trust deed: Lot 542 and the West half of Lot 541 in Block 127, MILLS ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.
(Account No. 3809-33AD-16300; Key No. 482622)

Property Address:
2447 DARROW AVENUE
KLAMATH FALLS, OREGON

3. The trust deed was dated February 10, 1995, and recorded on February 15, 1995, in Volume M95, Pages 3414-3416, Official Records of Klamath County, Oregon, and rerecorded on April 17, 1995, in Volume M95, Pages 9573-9575, Official Records of Klamath County, Oregon.

4. Default for which foreclosure is made is failure to pay the following:

(a) Monthly payments of \$556.36 each commencing 07/06/96 and thereafter.

(b) Late payment penalty charge of 5% of the payment amount for any payment made after 15 days from due date.

(c) 1995-96 delinquent real property taxes, plus interest thereon.

5. The sums owing on the obligation secured by the trust deed is:

(a) The principal sum of \$43,838.67, with interest thereon at the rate of 15.000 percent per annum beginning 06/04/96 until paid.

(b) Unpaid interest in the amount of \$7.36.

(c) Late payment penalty charge of 5% of the payment amount for any payment made after 15 days from due date.

(d) 1995-96 real property taxes, plus interest thereon.

(e) Title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and beneficiary's interest therein.

6. The beneficiary has and does elect to sell the property to satisfy the obligation. A Notice of default was recorded on October 25, 1996, in Volume M96, Pages 33825-33827, Official Records of Klamath County, Oregon.

7. The property will be sold in the manner prescribed by law on March 19, 1997, at 10:00 o'clock, A.M., standard time as established by ORS 187.110, at the front steps of the Klamath County Courthouse, City of Klamath Falls, Oregon.

8. Interested persons are notified of the right under ORS 86.753 to have this 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, together with costs, trustee's and attorney's fees, and by curing any other default complained of in this notice, at any time prior to five (5) days before the date the successor trustee conducts the sale.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

DATED this 28th day of October, 1996.


SUCCESSOR TRUSTEE

STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title the 25th day
of February A.D., 19 97 at 2:13 o'clock P M., and duly recorded in Vol. M97
of Mortgages on Page 5573

Bernetha G. Leisch, County Clerk

FEE R25.00

by 