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TRUSTEE'S NOTICE OF DEFAULT AND ELECTION TO SELL

Vol. M97 Page 29517

AND
TRUSTEE'S NOTICE OF SALE Vol. M98 Page 4143

Reference is made to that Trust Deed wherein JEFFREY DUANE DAVIES and JACALYN T. DAVIES, AS TENANTS BY THE ENTIRETY, is grantor; AMERITITLE, is Trustee; and JACQUELINE M. FLORY AND GENE T. FLORY, TRUSTEES OF THE JACQUELINE M. AND GENE T. FLORY LIVING TRUST DATED JULY 21, 1994, is Beneficiary, recorded in Official/Microfilm Records, Vol. M96, page 36755, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

A piece or parcel of land situate in the N1/2SE1/4NW1/4 of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more fully described as follows: Beginning at a point in the center line of a 60 foot roadway from which the section corner common to Sections 2, 3, 10 and 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and as marked on the ground by an iron pin driven therein bears South 89 degrees 44 1/2' West along said roadway center line 1,945.1 feet to a point in the West boundary of said Section 11; and North 0 degrees 13 1/2' West 1,662.5 feet to the said section corner and running thence North 0 degrees 01' West 331.05 feet to a point in the Northerly boundary of said N1/2SE1/4NW1/4 of Section 11; thence North 89 degrees 47' East along said boundary line 131.4 feet; thence South 0 degrees 01' East 330.95 feet, more or less, to an intersection with the center line of the above mentioned roadway; thence South 89 degrees 44 1/2' West along said roadway center line 131.4 feet, more or less, to the said point of beginning, said tract being what is known as Tracts 39 and 50 of BURTON TRACTS; EXCEPT therefrom, that portion lying within the right of way of Denver Avenue.

No action is pending to recover any part of the debt secured by the trust deed.

The obligation secured by the trust deed is in default because the grantor has failed to pay the following: Installment in the amount of \$648.66 due on February 13, 1997 and a like installment each and every month thereafter, together with real property taxes for the years 1996-97 and 1997-98, plus failure to maintain insurance on the premises.

The sum owing on the obligation secured by the trust deed is: \$51,300.00 plus interest at the rate of 15.00% per annum, from March 16, 1997, plus late charges, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

Beneficiary has and does elect to sell the property to satisfy the obligation pursuant to ORS 86.705 to 86.795. The property will be sold as provided by law on January 20, 1998 at 10:00 o'clock a.m. based on standard of time established by ORS 187.110 at 540 Main St., #301, Klamath Falls, Klamath County, Oregon.

Interested persons are notified of the right under ORS 86.753 to have this proceeding dismissed and the trust deed reinstated by payment of the entire amount then due, other than such portion 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 days before the date last set for sale.

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

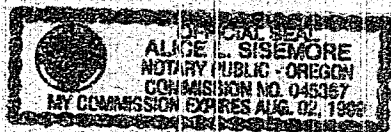
Dated: September 9, 1997.

William L. Sisemore
William L. Sisemore, Successor Trustee

STATE OF OREGON, County of Klamath ss

The foregoing was acknowledged before me on September 3, 1997, by William L. Sisemore,

Gene J. Linn, Notary Public for Oregon-My Commission Expires 08/02/99



Certified to be a true copy:

Attorney for Trustee

After recording, return to:
William L. Sisemore, Attorney at Law
540 Main Street, #301
Klamath Falls, OR 97601



STATE OF OREGON, COUNTY OF KLAMATH: ss.

Filed for record at request of William L. Sisemore the 9th day of Sept. A.D., 19 97 at 2:50 o'clock P.M., and duly recorded in Vol. M97 of Mortgages INDEXED on Page 29517

FEE \$10.00

By Bernetha G. Lersch, County Clerk

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON)
) ss
County of Klamath)

I, William L. Sisemore, being first duly sworn, depose, say and certify that: I am the successor trustee in that certain trust deed executed and delivered by Jeffrey Duane Davies and Jacalyn T. Davies, as tenants by the entirety as grantor(s) to AmeriTitle as trustee, in which Jacqueline M. Flory and Gene T. Flory, Trustees of the Jacqueline M. and Gene T. Flory Living Trust Dated July 21, 1994 is/are beneficiary(ies), recorded on November 21, 1996, in the mortgage records of Klamath County, Oregon, in book/reel/volume no. M96, at page 36755, covering the following described real property situated in said county:

A piece or parcel of land situate in the N1/2SE1/4NW1/4 of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more fully described as follows:

Beginning at a point in the center line of a 60 foot roadway from which the section corner common to Sections 2, 3, 10 and 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and as marked on the ground by an iron pin driven therein bears South 89 degrees 44 1/2' West along said roadway center line 1,945.1 feet to a point in the West boundary of said Section 11; and North 0 degrees 13 1/2' West 1,662.5 feet to the said section corner and running thence North 0 degrees 01' West 331.05 feet to a point in the Northerly boundary of said N1/2SE1/4NW1/4 of Section 11; thence North 89 degrees 47' East along said boundary line 131.4 feet; thence South 0 degrees 01' East 330.95 feet, more or less, to an intersection with the center line of the above mentioned roadway; thence South 89 degrees 44 1/2' West along said roadway center line 131.4 feet, more or less, to the said point of beginning, said tract being what is known as Tracts 39 and 50 of BURTON TRACTS; EXCEPT therefrom, that portion lying within the right of way of Denver Avenue.

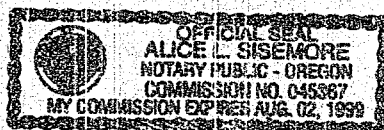
I hereby certify that on September 10, 1997, the above-described real property was not occupied.

The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.

William L. Sisemore
William L. Sisemore, Successor Trustee

Subscribed, sworn to and acknowledged before me this 26 day of September, 1997.

Alice L. Sisemore
Notary Public for Oregon
My Commission Expires: 08/02/99



STATE OF OREGON)
) ss
County of Klamath)

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 _____

After recording, return to:

William L. Sisemore
Attorney at Law
540 Main St., #301
Klamath Falls, OR 97601

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON)
) SS
 County of Klamath)

I, William L. Sisemore, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

NAME AND ADDRESS

Wanda Long
 RR 2, Box 470
 Westville, OK 74965

Jeffrey Duane Davies
 403 N. Alameda Avenue
 Klamath Falls, OR 97601

Jacalyn Davies
 403 N. Alameda Avenue
 Klamath Falls, OR 97601

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

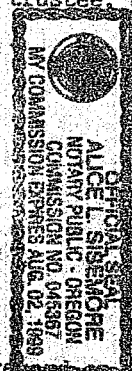
Each of the notices so mailed was certified to be a true copy of the original notice of sale by William L. Sisemore, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon full prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on September 9, 1997. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a property form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

William L. Sisemore
 William L. Sisemore

Subscribed and sworn to before me on September 9, 1997.

Alice L. Sisemore
 Notary Public for Oregon
 My Commission Expires: 03/02/99



STATE OF OREGON)
) SS

County of Klamath)

I certify that the within instrument was received for recording on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/real/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.

After recording, return to:

BY _____ Deputy

WILLIAM L. SISEMORE
 Attorney at Law
 540 Main Street
 Klamath Falls, OR 97601

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

STATE OF OREGON
COUNTY OF Klamath

COURT CASE NO. _____

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows:

- | | | | | |
|---|------------------------------------|--|-----------------------------------|-----------------------------------|
| ☐ Summons & Complaint | ☐ Summons | ☐ Small Claim | ☐ Motion | ☐ Answer |
| ☐ Restraining Order | ☐ Judgment | ☐ Affidavit | ☐ Petition | ☐ Letter |
| ☐ Summons & Petition | ☐ Order | ☐ Decree | ☐ Notice | ☐ Citation |
| ☐ Notice of Small Claims | ☐ Complaint | ☐ Order to Show Cause | ☐ Subpoena | |
| ☒ <u>TRUSTEE NOTICE OF DEFAULT & TRUSTEE NOTICE OF SALE</u> | | | | |

For the within named: OCCUPANTS of 4699 Denver, Klamath Falls, OR

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to: _____ at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to _____ a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: _____

☐ **OFFICE SERVICE:** At the office which he/she maintains for the conduct of business as shown at the address below, by leaving such true copy or Original with _____, the person who is apparently in charge.

☐ **SERVICE ON CORPORATIONS, LIMITED PARTNERSHIPS OR UNINCORPORATED ASSOCIATIONS SUBJECT TO SUIT UNDER A COMMON NAME.**

Upon _____, by (a) delivering such true copy personally and in person, Corporation, Limited Partnership, etc.

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.

☐ **OTHER METHOD:** _____ By leaving an Original or True Copy with _____

☐ **NOT FOUND:** I certify that I received the within document for service on Sept 10, 1997 and after due and diligent search and inquiry, I hereby return that I have been unable to find, the within named respondent, OCCUPANTS of 4699 Denver, Klamath Falls, OR within Klamath County.

ADDRESS OF SERVICE

STREET

UNIT / APT / SPC#

CITY

STATE

ZIP

I further certify that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or corporation named in the action.

Sept 10, 1997
DATE OF SERVICE

_____ a.m. ☐ p.m. ☐
TIME OF SERVICE

[Signature]
SIGNATURE

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Julie Hughes, Office Manager,
being first duly sworn, depose and say
that I am the principal clerk of the
publisher of the Herald and News
a newspaper in general circulation, as
defined by Chapter 193 ORS, printed and
published at Klamath Falls in the
aforesaid county and state; that the

LEGAL #9814

TRUSTEE'S NOTICE.....

a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for FOUR

(4) insertion(s) in the following issues:

SEPTEMBER 19/26

OCTOBER 3/10, 1997

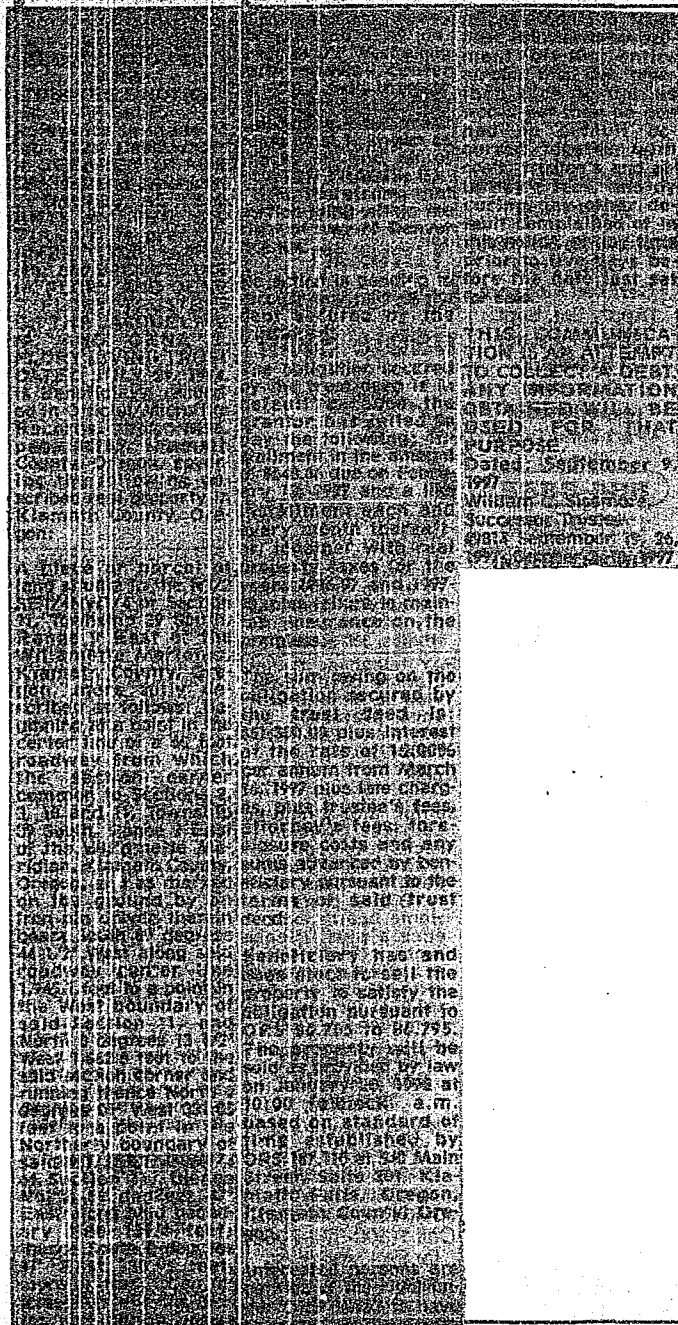
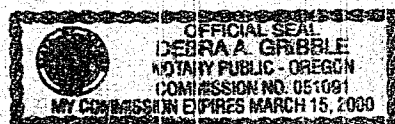
Total Cost: \$505.60

Subscribed and sworn before me this 10TH
day of OCTOBER 1997

Debra A. Grubbe

Notary Public of Oregon

My commission expires 3-15 2000



December 29, 1997

William Sisemore
First Federal Building
Suite 301
540 Main Street
Klamath Falls, OR 97601

RE: Your Client: Billie Young, Trust Deed
Claim No. 1125-2857-7; 97-38 (Klamath County)

Dear Mr. Sisemore:

As I indicated to you in our latest telephone conversation, a trust deed, where Jacqueline and Gene Flory were beneficiaries of a trust deed from Jeffrey and Jacalyn Davies, was the grantor, which was assigned to Billie Young is the subject of a claim pending with Ticor Title Insurance.

In reviewing the legal description of the trust deed assigned from the Florys to Mr. Young, Parcels 2 and 3 on that trust deed have been insured by Ticor Title Insurance to Provident Bank in a first lien position when in fact the trust deed that your client's hold is in first position.

Parcels 2 and 3 actually comprise 1 piece of property, being on Alameda Avenue in Klamath Falls.

Your client's trust deed also is secured by Parcel 1, which is located at 2154 Eberlein Avenue and Parcel 4, which is located at 4699 Denver Avenue, Klamath Falls.

Parcel 1 is valued by the Tax Assessor at \$23,000.00 and shows a 1993 trust deed in the original amount of \$18,000.00 on the locus along with a second trust deed in the amount of \$22,000.00 dated July 1996 in second position with your client's blanket loan of \$51,300.00 being in third position.

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Page 2
December 29, 1997

Parcel 4 on your client's trust deed is value, according to the Assessor at \$40,000.00 and has a first trust deed dated November 1995, in the amount of \$26,000.00 in front of your client's trust deed.

Lots 2 and 3 together are valued at \$41,200.00 by the Assessor's office and your client has a first lien position on that piece.

Ticor Title Insurance would like to know what your client would entertain for a payment for a partial release or subordination of their position in lots 2 and 3 to Provident Bank.

Provident Bank currently has a trust deed in the amount of \$37,425.00 against said property and a subordination of your client's position would put them in first position.

In adding up all of the assessments and trust deeds, it would seem that a payment to your client in a sum somewhat less than \$37,000.00 would in fact be reasonable in either a release or subordination of lots 2 and 3, the Alameda Avenue property.

Please advise at your earliest convenience.

Very truly yours

TICOR TITLE INSURANCE COMPANY

John B. Mitchell
Associate Area Counsel

JBM:jt

G:\wp51\DocJST\Letter2.doc

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of William L. Sisemore the 9th day
of February A.D., 19 98 at 2:35 o'clock P. M., and duly recorded in Vol. M98
of Mortgages on Page 4143

FEE \$35.00

By Bernetha G. Leisch, County Clerk
Rodina Ross