

66957

'98 SEP 28 P3:44 Vol. 1198 Page 35564

**INSTRUCTIONS FOR SERVICE OF TRUSTEE'S NOTICE OF SALE UPON OCCUPANT PURSUANT TO ORS 88.750 (1) AND PROOF OF SERVICE (120-day Notice)**

RE: Trust Deed from  
Rodney D. Miller & Kelly A. Miller

To Grantor  
Aspen County Title & Escrow, INC

After recording, return to (Name, Address, Zip):

RODNEY HUGHES BIRD LANE & ROTE  
ATTORNEYS AT LAW  
P.O. BOX 1249  
GRANITE PASS, OR 97524-0311

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 \_\_\_\_\_ and/or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Records of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_ Deputy.

ATC 0404 7/11

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 7 D. (2) and 7 D. (3), upon the occupant of the property described in the Notice of Sale.

The name of the person to be served, if known, and the property address of the property described in the trust deed, are as follows:

Name of person to be served  
(If unknown, so state)

Property Address

Rodney D. Miller

8212 Teal Drive, Bonanza, OR 97623

Kelly A. Miller

8212 Teal Drive, Bonanza, OR 97623

Occupant

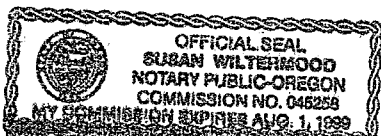
8212 Teal Drive, Bonanza, OR 97623

If the occupant is indicated as "unknown", or if you find the property at this 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 the property.

Service should be made by June 1, 1998, 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 attempting to make 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 12 day of May, 1998.



Susan Wiltermood  
Notary Public for Oregon

My commission expires 8/1/99

STATE OF \_\_\_\_\_

County of \_\_\_\_\_

**PROOF OF SERVICE**

35565



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 where in 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 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 the Notice of Sale certified to be such by the attorney for the trustee or successor trustee, as follows:

**Personal Service Upon Individual(s)**

Upon \_\_\_\_\_, by delivering such true copy to him/her, personally and in person,  
at \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M.  
Upon \_\_\_\_\_, by delivering such true copy to him/her, personally and in person,  
at \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M.

**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 \_\_\_\_\_,  
Upon \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M.  
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 \_\_\_\_\_ o'clock, \_\_\_\_ M.

**Service on Corporations, Limited Partnerships or Unincorporated Associations Subject to Suit Under a Common Name**

Upon \_\_\_\_\_ (NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.), by  
(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;  
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.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public for Oregon

My commission expires \_\_\_\_\_

\* Specify registered agent, officer (by title), director, general partner, managing agent.

PUBLISHER'S NOTE: ORS 86.750(1) requires that the Notice of Sale to be served upon the occupant in the manner in which a summons is served pursuant to ORCP 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.

RETURN OF SERVICE

STATE OF OREGON )  
 )  
 County of Klamath )

Court Case No.: \_\_\_\_\_

I HEREBY CERTIFY THAT on MAY 26, 1998

( ) Summons & Complaint	( ) Summons & Petition	( ) Summons
( ) Complaint	( ) Petition	( ) Answer
( ) Motion	( ) Affidavit	( ) Order
( ) Order to Show Cause	( ) Restraining Order	( ) Subpoena
( ) Citation	( ) Small Claim	( ) Notice

☒ TRUSTEE'S NOTICE OF SALE

for service on the within named: RODNEY D. MILLER AND KELLY A. MILLER

☒ SERVED: KELLY A. MILLER personally and in person  
 at 8212 TEAL DRIVE BENANZA OR 97623

☒ SUBSTITUTE SERVICE: By leaving a true copy with KELLY A. MILLER, a person over the age of fourteen years, who resides at the place of abode of the within named RODNEY D. MILLER & TIM MILLER at said abode: 8212 TEAL DRIVE BENANZA OR 97623

( ) OFFICE SERVICE: By leaving a true copy with \_\_\_\_\_ the person in charge of the office maintained for the conduct of business by \_\_\_\_\_

( ) CORPORATE: By leaving a true copy with \_\_\_\_\_ of said corporation

( ) OTHER METHOD: \_\_\_\_\_

( ) NOT FOUND: After due and diligent search and inquiry, I hereby return to I have been unable to find the within named \_\_\_\_\_ within Klamath County.

ALL SEARCH AND SERVICE WAS MADE WITHIN KLAMATH COUNTY, STATE OF OREGON

DATE AND TIME OF SERVICE OR NOT FOUND: MAY 26, 1998 AT 7:20 PM

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, not 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.

BY: David Davis  
DAVID DAVIS  
422 N 6TH ST  
KLAMATH FALLS OR 97601

35567

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

BROWN, HUGHES, BIRD, LANE & ROTE

## TRUSTEE'S NOTICE OF SALE (AMENDED)

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: RODNEY D. MILLER AND KELLY A. MILLER

Trustee: ASPEN COUNTY TITLE & ESCROW, INC.

Successor Trustee: MICHAEL J. BIRD

Beneficiary: FLOYD A. McCURDY

2. Property covered by the trust deed:

Lot 3, Old Orchard Manor, in the City of Klamath Falls, in the County of Klamath, State of Oregon.

CODE 1 MAP 3809-34CB TL 6700

**Property Address:**  
1121 WASHBURN  
KLAMATH FALLS OR

3. The trust deed was dated December 12, 1996, and recorded on December 16, 1996, as Fee 30016, Volume M96, at Page 39056, Mortgage Records of Klamath County, Oregon.

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

(a) Monthly payments of \$455.00 each commencing February 16, 1998 and thereafter;

(b) Late payments in the amount of 5% of any installment which is not received by collecting agent within 15 days after installment is due;

(c) Real property taxes, plus interest thereon.

1 - TRUSTEE'S NOTICE OF SALE

(d) In case of foreclosure by note holder, the 6 month interest prepayment penalty will be due and payable;

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

(a) The principal sum of \$39,000.00, with interest thereon at the rate of 14.00 percent per annum beginning December 16, 1997, until paid.

(b) Late payments in the amount of 5% of any installment which is not received by collecting agent within 15 days after installment is due;

(c) Real property taxes, plus interest thereon.

(d) In case of foreclosure by note holder, the 6 month interest prepayment penalty will be due and payable;

(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.

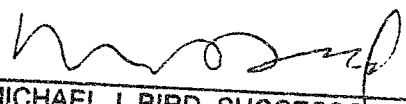
6. The beneficiary has and does elect to sell the property to satisfy the obligation. A Notice of default was recorded on May 11, 1998, as Document No. 57980, Official Records of Klamath County, Oregon.

7. The property will be sold in the manner prescribed by law on September 29, 1998, at 10:00 O'clock, A.M., standard time as established by ORS 187.110, at the front steps of Aspen County Title, 525 Main Street, Klamath Falls, Oregon, 97601, Klamath County, Oregon, which is the hour, date and place last set for the sale.

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 1 day of June, 1998.

  
MICHAEL J. BIRD, SUCCESSOR TRUSTEE

## 2 - TRUSTEE'S NOTICE OF SALE

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 28th day  
of September A.D., 19 98 at 3:44 o'clock P M., and duly recorded in Vol. M98  
of Mortgages on Page 35564.

FEE \$25.00

By Bernetha G. Letsch County Clerk  
Kathleen Rosa