

ON

K-52995

75403

TRUSTEE'S NOTICE OF SALE

Vol. 199 Page 7052



Reference is made to that certain trust deed made by Steven Michael Nelson and Sheri Lynn Nelson, Husband & Wife, as grantor, to Roger K. Harris, as trustee, in favor of Ethel H. Mitzel, as beneficiary, dated June 8, 19 93, recorded June 14, 19 93, in the mortgage records of Klamath County, Oregon, in ~~book 114~~ volume No. 993 at page 13817, or as fee/file/instrument/microfilm/reception No. _____ (indicate which), covering the following described real property situated in said county and state, to-wit:

Lot 514 and the easterly 10 feet of Lot 515 in Block 102, MILLS ADDITION, to the City of Klamath Falls, Klamath County, Oregon

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:

See Section A attached hereto

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:

See Section B attached hereto

WHEREFORE, notice hereby is given that the undersigned trustee will on March 1, 19 99, at the hour of 11:00 o'clock, A. M., in accord with the standard of time established by ORS 187.110, at 280 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 October 13, 19 98

Roger K. Harris

Trustee

State of Oregon, County of Washington, ss:

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Attorney for said 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: Christopher E. Neeley
8641 Lady Jane Way, Orangevale, CA 95662

ATTACHMENT

Section A:

1. Monthly payments of \$440.59 by the 8th of each month. No payments have been made since May, 1997.
2. Property taxes, interest and assessments in the amount of not less than \$9,218.44.
3. Insurance on the property and buildings for fire and other hazards in an amount not less than \$800.00.
4. Not less than \$5,000.00 to preserve, repair and maintain the property and buildings.

Section B:

1. An installment note dated June 8, 1993 with a principal amount due and accumulated interest through October 7, 1998 of \$63,072.81, plus additional interest on the unpaid principal at \$13.98 per day thereafter.
2. Payment of and/or reimbursement to the beneficiary for property taxes, interest and assessments in an amount of \$9,218.44 plus accruing interest.
3. Payment of and/or reimbursement to the beneficiary for fire and hazard insurance on the property in an amount not less than \$800.00.
4. Payment for and/or reimbursement to the beneficiary for costs of preservation, maintenance and repair of not less than \$5,000.00.

PROOF OF SERVICE

CASE #

State of California ss.
County of Sacramento

I hereby certify that I have served the following documents upon the individual(s) and other legal entities to be served, named below, by delivering or leaving true copies of said documents mentioned forthwith, namely,
Trustee's Notice of Sale, in the following manner:

Personal Service Upon Individual

Upon CHRISTOPHER E. WICKHAM, by delivering such true copy to him/her, personally and in person, at 9641 LADY JANE WAY, ORANGEVALE, CA 95662 on OCTOBER 23, 1998, at 5:51 o'clock P. 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 (Include relation or title)

Upon _____, by delivering such true copy at his/her dwelling house or usual place of abode, to wit: _____, who is a person over the age of 14 years to _____, 19__, at _____ o'clock _____ M. 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: _____, who is a person over the age of 14 years to _____, 19__, at _____ o'clock _____ M. and a member of the household of the person served on _____, 19__, at _____ o'clock _____ M.

Office Service Upon Individual (Include title of person served)

Upon _____, at the office which he/she maintains for the conduct of business at address _____, the person who by leaving such true copy with _____, 19__, during normal working hours, at to-wit _____ o'clock _____ M. 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
(a) delivering such true copy, personally and in person, to _____, who is a/the _____ thereof; OR
(b) leaving such true copy with _____ person who is apparently in charge of the office of _____, who is a/the _____ thereof; at _____, on _____, 19__, at _____ o'clock _____ M.

*Specify title; eg. registered agent, officer (by title), director, general partner, managing agent, etc.

**AFFIDAVIT OF NON-SERVICE

I attempted to make service of the above mentioned documents upon _____ but after due and diligent search and inquiry, as described below, I have been unable to find and/or serve the person(s) named above, therefore service was not made. Reason for non-service _____

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, corporate or otherwise; that the person, firm or corporation served by me is the identical person, firm or corporation named in the action.

DATED 10-29-98, 19__.

SIGNED

**NOTARY

Subscribed and sworn to before me

This 29 day of October, 1998

Signature Michelle Stover

Notary Public for the State of California

My Commission Expires 08/14/01

**NOTARY REQUIRED ON ALL NON-OREGON SERVICE RETURNS
AND ON ALL AFFIDAVITS OF NON-SERVICE

PRINT NAME DANIEL HALL

ADDRESS 1731 MONTE AVE #201

CITY SACRAMENTO CA ZIP 95825

PHONE (916) 764-2949



TLP: 31577-3

STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of First American Title the 1st day of March A.D., 1999 at 2:01 o'clock P. M., and duly recorded in Vol M99 of Mortgages on Page 7052

Linda Smith, County Clerk

FEE \$20.00

by Kathleen Ross