

K-53469

TRUSTEE'S NOTICE OF SALE

Vol. M99 Page 33197

Reference is made to that certain trust deed made by Richard H. Hawks and Jamie A. Hawks, husband and wife, as grantor, to AmeriTitle, fka Mountain Title Company of Klamath County, as trustee, in favor of Trustees of the EDNA L. GAVIN FAMILY TRUST AGREEMENT dated September 1, 1993, recorded September 2, 1993, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M93 at page 22367 (indicate which), covering the following described real property situated in said county and state, to-wit:

Lot 46 in Block 20 of KLAMATH FALLS FOREST ESTATES HIGHWAY 66 UNIT, PLAT NO. 1, according to the official plat on file in the office of the County Clerk of Klamath County, Oregon, and 1981 EMBAS 2U MOBILE HOME situate on the real property described 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 Section 86.735(3) of Oregon Revised Statutes; the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Monthly payments in the amount of \$486.42 from May 30, 1998, to the present; fire insurance in the amount of \$113.25; real property taxes in the amount of \$438.36

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:

Principal in the amount of \$39,686.11, accrued interest in the amount of \$2,958.45, fire insurance in the amount of \$113.25 and real property taxes in the amount of \$438.36 for a total of \$43,196.17

WHEREFORE, notice hereby is given that the undersigned trustee will on September 8, 1999, at the hour of 10:00 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at County Government Center, 305 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 him of the said trust deed, together with any interest which the grantor or his 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 Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 Section 86.753 of Oregon Revised Statutes.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 April 30, 1999

JERRY M. MOLATORE

Trustee

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.

JERRY M. MOLATORE Attorney for said Trustee

If the foregoing is a copy to be served pursuant to ORS 85.740 or ORS 86.750(1), fill in opposite the name and address of party to be served.

SERVE: Richard H. and Jamie A. Hawks
12759 Night Owl Drive
Bonanza, Oregon

OK'D TO
1st America
8-17-99

RETURN TO: Jerry M. Molatore 426 Main St. Klamath Falls, OR 97601

AFFIDAVIT OF MAILING

33198

STATE OF OREGON)
) ss.
County of Klamath)

I, JUDITH A. HURLEY, depose and say:

That I mailed the Trustee's Notice of Sale and Notice of Default and Election to Sell
to the following:

By Certified Mail: Richard H. Hawks
 12759 Night Owl Drive
 Bonanza, OR 97623

Jamie A. Hawks
12759 Night Owl Drive
Bonanza, OR 97623

Richard H. Hawks
P. O. Box 7575
Klamath Falls, OR 97602

Jamie A. Hawks
P. O. Box 7575
Klamath Falls, OR 97602

CARTER JONES COLLECTION SERVICE
1143 Pine Street
Klamath Falls, OR 97623

By Regular Mail: Richard H. Hawks
 12759 Night Owl Drive
 Bonanza, OR 97623

Richard H. Hawks
P. O. Box 7575
Klamath Falls, OR 97602

Jamie A. Hawks
12759 Night Owl Drive
Bonanza, OR 97623

33199

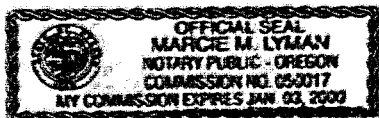
Jamie A. Hawks
P. O. Box 7575
Klamath Falls, OR 97602

CARTER JONES COLLECTION SERVICE
1143 Pine Street
Klamath Falls, OR 97601

by mailing to each said person a true copy thereof, certified by JERRY M. MOLATORE as such, contained in a sealed envelope, with postage paid, addressed to each said person at their last known address, and deposited in the post office at Klamath Falls, Oregon, on this 30th day of April, 1999.

Judith A. Hurley
JUDITH A. HURLEY

SUBSCRIBED AND SWORN to before me this 30th day of April, 1999.



Marcie M. Lyman
Notary Public for Oregon

My Commission Expires: Jan 3, 2000

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

33260

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.(7) 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 H. Hawks

12759 Night Owl Drive, Bonanza

Jamie A. Hawks

12759 Night Owl Drive, Bonanza

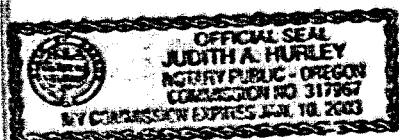
If the occupant is indicated as "unknown", or if you find the property at said address to be occupied by other than the person named, then you are instructed to serve the person or persons whom you find to be occupying said property.

Service should be made by May 10, 1999, 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 30th day of April, 1999

JERRY M. MOLATORE (Attorney for) Trustee



Notary Public for Oregon. My commission expires: 1-10-2003

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 88.758(1))

RE: Trust Deed from
Richard H. and Jamie A.
Hawks

Grantor

TO

Trustees of the EDNA L. GAVIN
FAMILY TRUST AGREEMENT dtd
12/10/91 Trustee

AFTER RECORDING RETURN TO

JERRY M. MOLATORE
426 Main Street
Klamath Falls, OR 97601

SPACE RESERVED
FOR
RECORDERS 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 attixed.

NAME

By _____ Deputy

STATE OF OREGON

PROOF OF SERVICE

County of Klamath

33201

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 wherein 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 of 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 individual's and other legal entities to be served, named below, by delivering true copies of said Notice of Sale certified to be such by the attorney for the trustee or successor trustee, as follows:

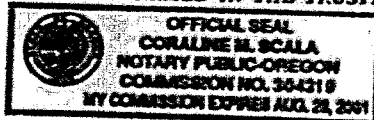
Upon Jamie A. Hawks Personal Service Upon Individual(s)
at 12759 Night Owl Drive, by delivering such true copy to him/her, personally and in person,
on May 1st, 1999, at 1:50 o'clock PM.
Upon _____, by delivering such true copy to him/her, personally and in person,
at _____, on _____, 19____, at _____ 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: _____, 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.
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 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 to-wit: _____ o'clock ____M.

Service on Corporations, United 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;
*Specify registered agent, officer (by title), director, general partner, managing agent.
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.



[Signature]

Subscribed and sworn to before me this 3rd day of May, 1999.

[Signature: Coraline M. Scala]
Notary Public for Oregon
My commission expires 8-28-01

PUBLISHER'S NOTE: ORS 85.740(2) requires that the Notice of Sale be served in the manner in which a summons is served pursuant to Oregon Rules of Civil Procedure 7 D. (2) and 7 D. (3). The Proof of Service above contains merit, 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.

Affidavit of Publication

33202

STATE OF OREGON, COUNTY OF KLAMATH

I, Larry L. Wells, Business Manager,
being first duly sworn, despose 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 #2401

TRUSTEE'S NOTICE OF SALE

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:

JUNE 23/30

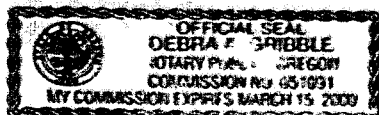
JULY 7/14, 1999

Total Cost: \$594.00

Subscribed and sworn before me this 14TH
day of JULY 1999

Debra A. McBride
Notary Public of Oregon

My commission expires 3-15 2000



TRUSTEE'S NOTICE OF SALE has declared all sums curing any other de-
owing on the obligation fault complained of
secured by said trust herein that is capable
Reference is made to said immediately due of being cured by ten-
that certain trust deed, and payable, said sums dering the performance
made by Richard H. being the following, to- required under the obli-
Hawks and Jamie A. wil: gation or trust deed,
Hawks, husband and and in addition to pay-
wife, as grantor, to Principal in the ing said sums or tender-
AmeriTitle, fka Moun- amount of \$29,686.11, ing the performance
tain Title Company of accrued interest in the necessary to cure the
Klamath County, as amount of \$2,958.45, fire default, by paying all
trustee, in favor of insurance. In the costs and expenses ac-
L. GAVIN FAMILY real property taxes in tually incurred in en-
TRUST AGREEMENT, the amount of \$438.34 forcing the obligation
dtd. 12/10/91, as benefi for a total of \$4,196.17, and trust deed, togeth-
fiduciary, dated Septem- er with trustee's and al-
ber 1, 1993, recorded WHEREFORE, torney's fees not ex-
September 2, 1993, in notice hereby is given ceeding the amounts
the mortgage records that the undersigned provided by said Sec-
of Klamath County, Or trustee will on Septem- tion 86.753 of Oregon
egon, in book/ret/vol-ber 8, 1999, at the hour tion 86.753 of Oregon
terme No. M92 at page of 10:00 o'clock A.M., Revised Statutes.
22367, fee/tile/instru- Standard Time, as es- in construing this
ment/microfilm/recep- tablished by Section notice, the masculine
tion No. 67993 (Indicate 187.118, Oregon Revised gender includes the
which), covering the Statutes, at County feminine and the neut-
following described real Government Center, terminine and the neut-
property situated in .005 Main Street, in the er, the singular includes
said county and state, City of Klamath Falls, the plural, the word
to-wit: County of Klamath, "grantor" includes any
State of Oregon, sell at successor in interest to
Lot 46 in Block 28 public auction to the highest bidder for cash, the grantor as well as
of KLAMATH FALLS, the interest in the said any other person owning
FOREST ESTATES, described real property an obligation, the per-
HIGHWAY 66 UNIT, described real property an obligation, the per-
PLAT NO. 1, according which the grantor had formance of which is
to the official plat on or had power to convey secured by said trust
file in the office of the at the time of the exe- deed, and the words
County Clerk of Klamath County, Oregon, said trust deed, together "trustee" and "benefici-
and 1981 EMBAS 2U er with any interest ary" include their re-
MOBILE HOME situat- which the grantor or his spective successors in
ed on the real property successors in interest interest, if any.
described herein. acquired after the ex- DATED: April 30,
Both the benefici- cution of said trust: 1999.
ary and the trustee deed, to satisfy the foregoing obligations
have elected to sell the said real property to thereby secured and
satisfy the obligations the costs, and expenses Trustee
secured by said trust of sale, including a rea- 2401 June 23, 30 & July
deed and a notice of de- sonable charge by the 7, 14, 1999
fault has been recorded trustee. Notice is fur-
cursuant to Section ther given that any per-
86.735(3) of Oregon Re- son named in Section
vised Statutes, the de- 86.753 of Oregon Re-
fault for which the fore- vised Statutes has the
closure is made ins- right, at any time prior
grantor's failure to pay to five days before the
when due the following trustee conducts the
sums: sale, to have this fore-
Monthly pay-closure proceeding dis-
ments in the amount of missed and the trust
\$486.42 from May 30, deed reinstated by pay-
1998, to the present; ment to the beneficiary
fire insurance in the of the entire amount
amount of \$113.25; real then due (other than
property taxes in the such portion of the
amount of \$438.34. principal as would not
By reason of said then be due had no de-
fault, the beneficiary fault occurred and by

33203

AFFIDAVIT OF MAILING

STATE OF OREGON)
) ss.
County of Klamath)

I, JUDITH A. HURLEY, depose and say:

That I mailed a letter Notice to Vacate to the tenants as follows:

By Certified Mail: Richard H. Hawks
12759 Night Owl Drive
Bonanza, OR 97623

Jamie A. Hawks
12759 Night Owl Drive
Bonanza, OR 97623

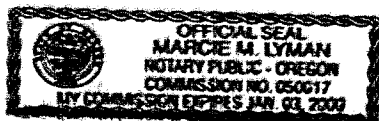
By Regular Mail: Richard H. Hawks
12759 Night Owl Drive
Bonanza, OR 97623

Richard H. Hawks
P. O. Box 7575
Klamath Falls, OR 97602

by mailing to each said person an original letter, certified by JERRY M. MOLATORE as such, contained in a sealed envelope, with postage paid, addressed to each said person at their last known address, and deposited in the post office at Klamath Falls, Oregon, on the 10th day of August, 1999.

Judith A. Hurley
JUDITH A. HURLEY

SUBSCRIBED AND SWORN to before me this 13th day of August, 1999.



Marcie M. Lyman
Notary Public for Oregon
My Commission Expires: Jan 3, 2000

State of Oregon, County of Klamath
Recorded 8/17/99, at 2:58 p. m.
In Vol. M99 Page 33197
Linda Smith,
County Clerk Fee \$ 40 - RR