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MTC 47776

Vol M99 Page 33843

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON,

County of Josephine } ss.

I, Michael J. Bird

being first duly sworn, depose, say and certify that:

I am the successor

LEE FRASIER

trustee in that certain trust deed executed and delivered by

to AMERITITLE, an Oregon corporation

as grantor

in which Fred A. Wallace and Patricia A. Wallace; beneficiary interest assigned to: Lie Tan, **

as trustee,

is beneficiary, recorded on January 16, 1998, in the mortgage records of Klamath

County, Oregon, in book/reel/volume No. 198, at page 1626 or as fee/file/instrument/microfilm/reception No. ~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXX~~ (indicate which), covering the following described real property situated in said county:

The South 100 feet of TRACT 60, PLEASANT HOME TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**by instrument recorded November 6, 1998, Vol M98, Page 40812, Official Records of Klamath County, Oregon;

I hereby certify that on May 21, 1999,

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.

Michael J. Bird

Trustee



Subscribed and sworn to before me May 21, 1999.

Susan Wieternood

Notary Public for Oregon

My commission expires 8/1/99

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

RE: Trust Deed from LEE FRASIER

Grantor

to

AMERITITLE

Trustee

AFTER RECORDING RETURNED
BROWN, HUGHES, BIRD & ROTE
ATTORNEYS AT LAW
P.O. BOX 1249
GRANTS PASS, OR 97528-0371

DO NOT USE THIS SPACE. RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.

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 affixed.

By NAME Deputy

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AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON
COUNTY OFI, Ed Foreman, being first duly sworn, depose and say: That I am, and have beenAt all material times hereto, a competent person over the age of eighteen years and a resident of Klamath
County, State of Oregon. I am not a party to, an attorney for, or interested in any suit or action involving the
property described below.That on the 6 day of MAY, 1999, after personal inspection, I found the following
described real property to be unoccupied.Commonly described as, (Street Address) 1764 IVORY ST. KLAMATH FALLS, OR. 97603Ed ForemanSubscribed and Sworn to before me this 10th day of MAY, 1999.Theresa A. Foeller

Notary Public for Oregon

My commission expires:



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**INSTRUCTIONS FOR SERVICE OF TRUSTEE'S
NOTICE OF SALE UPON OCCUPANT PURSUANT
TO ORS 86.750 (1) AND PROOF OF SERVICE
(120-day Notice)**

RE: Trust Deed from

LEA FRASIER

To

Grantor

AMERITITLE, an Oregon corp

Trustee

After recording, return to grantor, Address, Zip:

**BROWN, HUGHES, BIRD & ROTE
ATTORNEYS AT LAW**

P.O. BOX 1249

GRANTS PASS, OR 97528-0311

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

Occupants

**1764 Ivory, Klamath Falls, OR
97603**

Lea Frasier

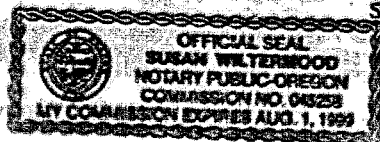
**1764 Ivory, Klamath Falls, OR
97603**

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 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 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.

Signed and sworn to before me on April 26, 1999



Susan Wilkerson
Notary Public for Oregon

My commission expires 8/1/99

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: LEA FRASIER

Trustee: JOSEPHINE COUNTY TITLE COMPANY, an Oregon Corporation

Successor Trustee: MICHAEL J. BIRD

Beneficiary: FRED A. WALLACE AND PATRICIA A. WALLACE, or the survivor thereof; Said beneficial interest of Wallace was assigned to LIE TAN, by instrument recorded November 6, 1998, Vol M98, Page 40812, Official Records of Klamath County, Oregon,

2. Property covered by the trust deed:

The South 100 feet of TRACT 60, PLEASANT HOME TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Property Address:

1764 IVORY

KLAMATH FALLS, OR 97603

3. The trust deed was dated January 16, 1997, recorded January 16, 1998, in the mortgage records of Klamath County, Oregon, as Volume No. M98, at page 1626, Official Records of Klamath County, Oregon; Said beneficial interest of Wallace was assigned to LIE TAN, by instrument recorded November 6, 1998, Vol M98, Page 40812, Official Records of Klamath County, Oregon,

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

- (a) Monthly payments of \$590.63 each commencing February 13, 1998 and

thereafter;

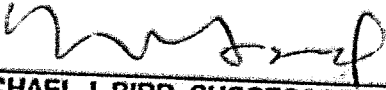
- (b) 1998-99 delinquent real property taxes, plus interest thereon.
 - (c) Assessment charges of Enterprise Irrigation District plus interest, if any;
 - (d) Assessment charges of Klamath County Drainage District plus interest, if any;
 - (e) Assessment charges of South Suburban Sanitary District plus interest, if any;
 - (f) Assessment charges of North Shasta Lighting District plus interest, if any;
5. The sums owing on the obligation secured by the trust deed is:
- (a) The principal sum of \$47,250, with interest thereon at the rate of 15.000 percent per annum beginning January 13, 1998, until paid;
 - (b) 1998-99 delinquent real property taxes, plus interest thereon.
 - (c) Assessment charges of Enterprise Irrigation District plus interest, if any;
 - (d) Assessment charges of Klamath County Drainage District plus interest, if any;
 - (e) Assessment charges of South Suburban Sanitary District plus interest, if any;
 - (f) Assessment charges of North Shasta Lighting District plus interest, if any;
 - (g) 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 April 22, 1999, in Volume M99, Page 14924, MTC 47776, Official Records of Klamath County, Oregon.
7. The property will be sold in the manner prescribed by law on September 7, 1999, at 10:00 o'clock, A.M., standard time as established by ORS 187.110, at the front steps of AmeriTitle, 222 South Sixth Street, Klamath Falls, Oregon, 97601, Klamath County, Oregon, 97601, 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

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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 26 day of April, 1999.



MICHAEL J. BIRD, SUCCESSOR TRUSTEE

State of Oregon, County of Klamath
Recorded 8/23/99, at 11:21 a. m.
In Vol. M99 Page 33113
Linda Smith,
County Clerk Fee \$ 35 - K12