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INSTRUCTIONS FOR SERVICE OF TRUSTEE'S  
NOTICE OF SALE PURSUANT TO ORS 86.740 AND  
PROOF OF SERVICE (120-Day Notice)

RE: Trust Deed from

J. Douglas and Andrea Parker

To

Grantor

William M. Ganong, Successor Trustee  
514 Walnut Avenue  
Klamath Falls OR 97601

Trustee

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

William M. Ganong

Attorney at Law

514 Walnut Avenue

Klamath Falls OR 97601

SPACE RESERVED  
FOR  
RECORDER'S USE

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STATE OF OREGON,

County of \_\_\_\_\_ } ss.

I certify that the within instrument was received for record on \_\_\_\_\_, 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.

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 7 D(2) and 7 D(3) upon the following persons:

Name of person to be served

Address

Mario Toboado

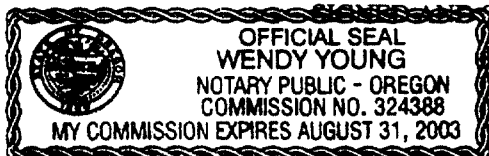
27627 Hwy 97 North  
Chiloquin OR 97624

OR CURRENT OCCUPANT

This includes: (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 provided in ORS 86.785.

Service should be made by July 20, 2001, which is 120 days before the date fixed for the sale in the attached notice. If you have not made service by that date, but it appears that it is possible to effect service, 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 a corporation or any other legal or commercial entity.



SIGNED AND SWORN TO before me on

(ATTORNEY FOR) TRUSTEE

Wendy Young  
Notary Public for Oregon

My commission expires

July 5, 2001

8-31-2003

# PROOF OF SERVICE

57158



STATE OF Oregon, County of Klamath ss.

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, and that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, nor a successor to 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 individuals and other legal entities 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 Mario Toboado, by delivering such true copy to him/her, personally and in person,  
at 27627 Hwy. 97, on 7-11, at 2:00 o'clock P.M.

Upon \_\_\_\_\_, by delivering such true copy to him/her, personally and in person,  
at \_\_\_\_\_, on \_\_\_\_\_, 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 14 years  
of age or older and a member of the household of the person served on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.

Upon \_\_\_\_\_, by delivering such true copy at his/her dwelling house  
or usual place of abode, to-wit: \_\_\_\_\_,  
to \_\_\_\_\_, who is a person 14 years  
of age or older and a member of the household of the person served on \_\_\_\_\_, 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 \_\_\_\_\_, during normal working hours, at \_\_\_\_\_ o'clock, \_\_\_\_M.

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

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

- (a) delivering such true copy, personally and in person, to \_\_\_\_\_ who is a/the  
\_\_\_\_\_ (specify registered agent, officer (by title), director, general partner, managing agent, etc.) thereof; OR
- (b) leaving such true copy with \_\_\_\_\_, the person who is apparently in charge of the  
office of \_\_\_\_\_, who is a/the  
(specify registered agent, officer (by title), director, general partner, managing agent, etc.) thereof;

at \_\_\_\_\_, on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.

## Service Upon State of Oregon

Upon the State of Oregon by leaving such true copy with \_\_\_\_\_, a ☐ deputy  
☐ clerk (indicate which) at the office of the Attorney General on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.

## Service Upon Public Bodies

- Upon \_\_\_\_\_, by
- (a) serving such true copy, personally and in person on \_\_\_\_\_, who is the  
\_\_\_\_\_ (specify director, managing agent, clerk, secretary, etc.) thereof; OR
- (b) leaving such true copy with \_\_\_\_\_, the person who is apparently in charge of the  
office of \_\_\_\_\_, who is a/the  
(specify director, managing agent, clerk, secretary, etc.) thereof;

at \_\_\_\_\_, on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.

FURTHER, if such public body is a county, I served an additional true copy of the Notice of Sale upon \_\_\_\_\_,  
\_\_\_\_\_ who is the district attorney for the county by

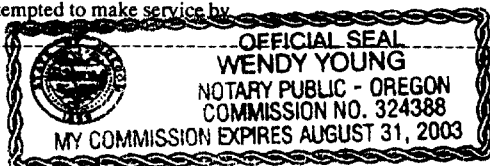
- (a) delivering such true copy, personally and in person, to that district attorney, OR (b) leaving such true copy with \_\_\_\_\_,  
\_\_\_\_\_ the person who is apparently in charge of that district attorney's office,

at \_\_\_\_\_, on \_\_\_\_\_, 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.

Service cannot be made upon \_\_\_\_\_ Reasonable efforts to do so were made.

I attempted to make service by \_\_\_\_\_



SIGNED AND SWORN TO before me on July 16, 2001

Wendy Young  
Notary Public for Oregon My commission expires 8-31-2003

PUBLISHER'S NOTE: ORS 86.740 (1) allows the Notice of Sale to be served 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 permissible methods of service. For example, this form does not include proof of service upon a minor, an incapacitated person or tenant(s) of a mail agent. See ORCP 7 D(2) and 7 D(3) for permissible service methods with respect to particular parties. Also, an attorney who serves the Notice of Sale by mail, in accordance with law, should delete "or attorney for," from the first paragraph above before this document is recorded.

## RETURN OF SERVICE

STATE OF OREGON       )  
                              ) ss.  
County of Klamath    )

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

Case No. \_\_\_\_\_

I hereby certify that I received on \_\_\_\_\_ the within:

- ( ) Summons & Complaint   ( ) Summons & Petition   ( ) Summons   ( ) Notice  
( ) Order of Appearance   ( ) Waiver of Fees       ( ) Petition   ( ) Motion  
( ) Show Cause Order       ( ) Affidavit               ( ) Complaint   ( ) Order  
( ) Writ of Garnishment   ( ) Restraining Order   ( ) Citation   ( ) Subpoena  
( ) Small Claim

✓ Trustees Notice of Sale

for service on the within named: Mario Toboado

✓ SERVED Mario Toboado at 27027 Hwy. 97 personally and in person.

( ) SUBSTITUTE SERVICE - By leaving a true copy with \_\_\_\_\_

a person over the age of fourteen years, who resides at the place of abode of the within named, at said abode: \_\_\_\_\_.

( ) OFFICE SERVICE - By leaving a true copy with \_\_\_\_\_

the person in charge of the office maintained for the conduct of business by \_\_\_\_\_.

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

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

( ) NOT FOUND. After due and diligent search and inquiry, I hereby return that 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: 7-11-01 2:00 PM

SERVICE FEES FOR THIS SERVICE ARE: \$ 25.<sup>00</sup> plus \_\_\_\_\_ miles  
at \$.30/mile for a total amount due of \$ 25.<sup>00</sup>.

ARRITOLA INVESTIGATIONS

By \_\_\_\_\_

541/891-4336

Cale Arritola  
635 Main Street  
Klamath Falls OR 976

## TRUSTEE'S NOTICE OF SALE

YOU ARE GIVEN NOTICE: THAT THE BENEFICIARY AND TRUSTEE HAVE ELECTED TO SELL THE PROPERTY DESCRIBED BELOW TO SATISFY THE FOLLOWING DESCRIBED OBLIGATION:

1.   A. Grantor:       J. Douglas Parker and Andrea Parker  
      B. Trustee:     AmeriTitle  
      C. Beneficiary: Al Fitts and June Fitts
2. The legal description of the property covered by the subject Trust Deed is:

Parcel 2 of Land Partition 36-92, situated in  
Government Lots 21 and 28 of Section 3, Township  
36 South, Range 7 East of the Willamette Meridian,  
Klamath County, Oregon.

Klamath County Assessor's Account No.  
3607-A0300-01100

The book, page number, and the date the subject Trust Deed was recorded in the Mortgage Records of Klamath County, Oregon are:

Book: M98           Page: 32158       Date Recorded: September 1, 1998

3. The defaults for which the foreclosure is made are as follows: (1) Grantors' failure to pay the real property taxes and assessments for the tax years 1999-2000 in the sum of \$1,324.95, plus interest, and 2000-2001 in the sum of \$1,094.75, plus interest, before they became delinquent; and (2) Grantors' failure to pay the sum of \$25,000 that was due and payable upon the sale of Grantors' home. Said home was sold at a foreclosure sale, but the \$25,000 payment was not paid.

4. The amount owing on the obligation secured by the subject Trust Deed as of July 2, 2001 is \$124,530.05, plus interest at the note rate of 7.0% per annum from July 2, 2001 until paid; and real property taxes, assessments, and interest for the tax years 1999-2000 and 2000-2001 in the total sum of \$2,904.37, plus interest thereon at the rate of 1 1/3% per month from July 15, 2001, which are due and payable by the Grantor as provided in

said Trust Deed.

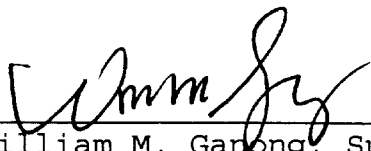
5. The Beneficiary and the Trustee have elected to foreclose the above referenced Trust Deed pursuant to the provisions of Oregon Revised Statutes 86.705 to 86.795.

6. The Trustee will conduct a sale of the above described property at 10:00 a.m. on the 19th day of November, 2001, at the front entrance to the office of William M. Ganong, Attorney at Law, at 514 Walnut Avenue, Klamath Falls, Oregon.

7. Pursuant to ORS 86.753, the Grantor, the Grantor's successor in interest to all or any part of the above described property, any beneficiary under a subordinate Trust Deed, or any person having a subordinate lien or encumbrance of record on the property, may cure the default or defaults at any time prior to five days before the above said date of sale by paying the entire amount due at the time of cure under the terms of the obligation, other than such portion as would not then be due had no default occurred. In addition, the person affecting the cure shall pay all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the Trustee's and Attorney's fees specified in the said statute.

In construing this instrument, 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 persons owing an obligation, the performance of which is secured by said Trust Deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated this 5 day of July, 2001.

  
\_\_\_\_\_  
William M. Ganong, Successor Trustee

NOTICE REQUIRED BY THE FAIR DEBT COLLECTION  
PRACTICES ACT, 15 U. S. C. § 1692

This is an attempt to collect a debt and any information obtained will be used for that purpose.

1. The amount of the debt is stated in the Trustee's Notice of Sale attached hereto.
2. The beneficiary named in the attached Trustee's Notice of Sale is the creditor to whom the debt is owed.
3. The debt described in the Trustee's Notice of Sale attached hereto will be assumed to be valid by the trustee unless the debtor, within 30 days after the receipt of this notice, disputes the validity of the debt or some portion of it.
4. If the debtor notifies the trustee in writing within 30 days of receipt of this notice that the debt or any portion thereof is disputed, the trustee will provide verification of the debt, and a copy of the verification will be mailed to the debtor by the trustee.
5. If the creditor named as beneficiary in the attached Trustee's Notice of Sale is not the original creditor, and if the debtor makes a written request to the trustee within 30 days from receipt of this notice, the name and address of the original creditor will be mailed to the debtor by the trustee.
6. Written requests or objections should be addressed to: William M. Ganong, Attorney at Law, 514 Walnut Avenue, Klamath Falls, Oregon 97601.

State of Oregon, County of Klamath  
Recorded 11/07/01 10:31 a. m.  
In Vol. M01 Page 57/57  
Linda Smith,  
County Clerk Fee \$ 46<sup>00</sup>