

AFFIDAVIT OF SERVICEVol M01 Page 60800

State of OREGON

County of KLAMATH

Circuit Court

Case Number: \_\_\_\_\_

TRUSTEE:  
AMERITITLE

vs.

GRANTOR:

ALEXANDER J. MORRIS, JR. and MARY E. MORRIS

State of Oregon, County of Klamath  
Recorded 11/29/01 2:21 P m.  
Vol M01, Pg 60800-05  
Linda Smith, County Clerk  
Fee \$ 46.00 # of Pgs 6

For: Patrick Kelly

Received by ROGUE LEGAL PROCESS on the 9th day of July, 2001 at 3:26 pm to be served on  
**OCCUPANTS, 2501 MONTELIUS STREET, KLAMATH FALLS, OREGON 97601.** I, Ed Foreman  
being duly sworn, depose and say that on the 13th day of July, 2001 at  
5:12 p.m., executed service by delivering a true copy of the **TRUSTEE'S NOTICE OF SALE** in accordance  
with state statutes in the manner marked below:

(☒) INDIVIDUAL SERVICE: Served the within-named person. MARY MORRIS

(☒) SUBSTITUTE SERVICE: By serving Mary Morris ~~XXX~~  
for Alexander Morris JR.

( ) POSTED SERVICE: After attempting service on \_\_\_/\_\_\_ at \_\_\_ and on \_\_\_/\_\_\_ at \_\_\_ to a  
conspicuous place on the property described herein.

( ) OTHER SERVICE: As described in the Comments below by serving  
\_\_\_\_\_ as \_\_\_\_\_.

( ) NON SERVICE: For the reason detailed in the Comments below.

COMMENTS: Mary Morris was personally served and Alexander Morris JR.  
was sub-served through Mary Morris.

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction  
in which this service was made.



Subscribed and Sworn to before me on the 18th  
day of July, 2001 by the affiant  
who is personally known to me.

Margaret A. Nielsen  
NOTARY PUBLIC

Ed Foreman  
Ed Foreman  
PROCESS SERVER # \_\_\_\_\_  
Appointed in accordance  
with State Statutes

ROGUE LEGAL PROCESS  
P.O. Box 1681  
Grants Pass, OR 97528  
(541) 479-3053

Our Job Serial Number: 2001001419

## AFFIDAVIT OF MAILING

STATE OF Oregon COUNTY OF KlamathRogue Legal Process Plaintiff

Case Number

Alexander Morris JR. Defendant

I hereby certify that on the 18th day of July, 20 01, I mailed  
a Certified true copy of the Trustee's Notice of Sale to the  
above stated defendant, at the address of 2501 Montelius St.  
Klamath Falls, OR. 97601 upon whom substitute service was made on the  
13th day of July, 20 01, with a statement of the date, time and  
place at which service was made.

Dated this 18th day of July, 20 01.By Candi S. Cordonnier  
Candi S. CordonnierSubscribed and sworn before me this 18th day of July, 20 01.Margaret A. Nielsen  
Notary Public for OregonMy Commission Expires: 4-12-04

OL

## NOTICE OF SUBSTITUTED SERVICE OR OFFICE SERVICE

60802

TO: Alexander Morris, Jr.  
P.O. Box 1553  
Klamath Falls, OR 97601

You are hereby notified that you have been served with a Trustee's Notice of Sale, a true copy of which is attached hereto and enclosed herewith.

Service was made by delivering a true copy of said Notice of Sale at your dwelling house or usual place of abode, to-wit: 2501 Montelius Street, Klamath Falls, Oregon  
to Mary Morris, who is a person over the age of fourteen years and a member of your household, on July 13, 2001, at 5:12 o'clock P.M. OR

Service was made by leaving a true copy of said Notice of Sale with the person who is apparently in charge of the office which you maintain for the conduct of your business at on 19, during normal working hours, at to-wit: o'clock M.

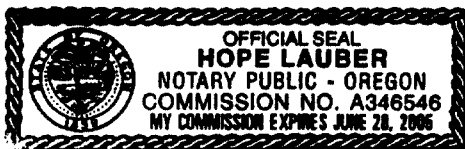
## AFFIDAVIT OF MAILING

STATE OF OREGON, County of Josephine ss.

I, Sharon Deardorff, being first duly sworn, depose, say and certify that:

I mailed an original Notice of Substituted or Office Service, an exact and complete copy of which appears above, together with a true copy of the Notice of Sale referred to therein and attached hereto, which Notice of Sale was certified to be an exact and complete copy of the original Notice of Sale by Patrick J. Kelly, attorney for the Trustee named in said Notice of Sale, to the person and to the address first appearing above.

The Notice set forth above, and the true copy of the Notice of Sale were placed in a sealed envelope with first class postage thereon fully prepaid, and deposited by me in the United States Post Office at Grants Pass, Oregon, on August 1, 2001, addressed as aforesaid.



SHARON DEARDORFF

Subscribed and sworn to before me on Aug. 1, 2001, at

Notary Public for Oregon. My commission expires 6-28-05

PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

## NOTICE OF SUBSTITUTED OR OFFICE SERVICE AND AFFIDAVIT OF MAILING

RE: Trust Deed from Morris

Grantor

Amerititle

to

Trustee

AFTER RECORDING RETURN TO

PATRICK J. KELLY  
ATTORNEY AT LAW  
717 NW 5th ST.  
GRANTS PASS, OR 97526

(DON'T USE THIS SPACE: RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

STATE OF OREGON, } ss.  
County of

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/tile/instrument/microfilm/reception No. Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME TITLE  
By Deputy

EE

60803



**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  
Morris

Amerititle

To

Grantor

Trustee

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

**PATRICK J. KELLY**

**ATTORNEY AT LAW**

717 N.W. 5th ST.

GRANTS PASS, OR 97526

SPACE RESERVED  
FOR  
RECORDER'S USE

STATE OF OREGON, } ss.  
County of \_\_\_\_\_

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, } ss.  
County of Josephine

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

2501 Montelius Street  
Klamath Falls, OR 97601

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

Service should be made by 7/3/01, 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 any successor trustee, and "person" includes a corporation or any other legal or commercial entity.



PATRICK J. KELLY

(ATTORNEY FOR TRUSTEE)

SWORN TO before me on

Nov. 26, 2001

Notary Public for Oregon

My commission expires

9-11-04

ON

60804



## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Alexander J. Morris, Jr., and Mary E. Morris as tenants by the entirety, as grantor, to Amerititle, an Oregon Corporation, as trustee, in favor of Edmund Spitzer and Jewell Spitzer, or the survivor thereof, as beneficiary, dated December 12, 2000, ~~1999~~, recorded December 18, 2000, ~~1999~~, in the mortgage records of Klamath County, Oregon, in ~~book~~ volume No. M00 at page 45286, ~~xxxx~~ ~~as the instrument in which the property was conveyed~~ (indicate which), covering the following described real property situated in said county and state, to-wit:

Parcel 1 of Land Partition No. 16-00 as duly recorded in the office of the Clerk of 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:

The February 28, 2001 monthly installment of \$492.50 and each month thereafter plus, buyer's fees of \$15.00 plus, late charges of \$73.14.

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:

The unpaid principal balance of \$44,992.50 with interest thereon at 13% per annum from January 18, 2001 until paid.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 31, 2001, ~~1999~~, at the hour of 11:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at Front entrance of the Klamath County Courthouse, 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 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 July 2, 2001, ~~1999~~

  
PATRICK J. KELLY

Trustee

State of Oregon, County of Josephine 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

SERVE:

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.

**NOTICE REQUIRED BY THE FAIR DEBT COLLECTION PRACTICES ACT  
15 USC SECTION 1692**

We are attempting to collect a debt and any information we obtain will be used for that purpose. The debt described in the Notice of Sale is assumed to be valid unless debtor disputes within 30 days and that, if disputed, debt collector will obtain and furnish to debtor the verification. If written request is made within 30 days by debtor, name of original lender will be given if different than the current creditor.

**WRITTEN REQUESTS SHOULD BE ADDRESSED TO: PATRICK J. KELLY,  
ATTORNEY, 717 NW 5<sup>TH</sup> STREET, GRANTS PASS, OREGON 97526.**