

State of Oregon, County of Klamath  
Recorded 10/28/2002 10:42 a. m.  
Vol M02, Pg 61267-71  
Linda Smith, County Clerk  
Fee \$ 56<sup>00</sup> # of Pgs 8

☐ TRUSTEE'S NOTICE OF DEFAULT AND ELECTION TO SELL

or

☒ TRUSTEE'S NOTICE OF SALE

Reference is made to that Trust Deed wherein David J. Clark, is grantor; Aspen Title & Escrow, Inc., is Trustee; and Naomi Barkhurst and Julie Ann Israel and Arlene Norma Young, is Beneficiary, recorded in Official/Microfilm Records, Vol. M01, page 20770, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

As shown on Attached Exhibit A

No action is pending to recover any part of the debt secured by the trust deed.

The obligation secured by the trust deed is in default because the grantor has failed to pay the following: The sum of \$93.67 due on the February 1, 2002 instalment and the sum of \$301.33 due on the 1<sup>st</sup> day of each month thereafter.

The sum owing on the obligation secured by the trust deed is: \$29,789.81 plus interest at the rate of 8.5% per annum from February 1, 2002, plus all applicable late charges, plus trustee's fees, attorney's fees, foreclosure costs, all applicable late charges, and any sums advanced by beneficiary pursuant to the terms of said trust deed.

Beneficiary has and does elect to sell the property to satisfy the obligation pursuant to ORS 86.705 to 86.795.

The property will be sold as provided by law on October 28, 2002 at 10:00 o'clock a.m. based on standard of time established by ORS 187.110 at 803 Main Street., #201, Klamath Falls, Klamath, County, Oregon.

Interested persons are notified of the right under ORS 86.753 to have this proceeding dismissed and the trust deed reinstated by payment of the entire amount then due, other than such portion as would not then be due 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 days before the date last set for sale.

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

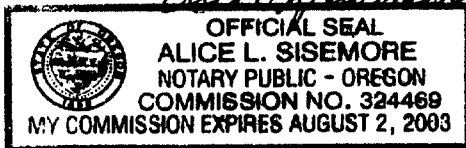
Dated: June 19, 2002.

William L. Sisemore  
William L. Sisemore, Successor Trustee

STATE OF OREGON, County of Klamath) ss

The foregoing was acknowledged before me on June 19, 2002, by William L. Sisemore,

Alice L. Sisemore, Notary Public for Oregon-My Commission Expires: 08/02/2003



Certified to be a true copy:

\_\_\_\_\_  
Attorney for Trustee

After recording, return to:

William L. Sisemore

Attorney at Law

803 Main Street, #201

Klamath Falls, OR 97601

OC

56

## Exhibit A

## PARCEL 1:

A tract of land being in the SE 1/4 SE 1/4 of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at an iron pin which lies West along the Township line a distance of 373.0 feet and North 0° 45' West parallel to the East Township line a distance of 30.0 feet from the Southeast corner of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, and running thence: Continuing North 0° 45' West a distance of 208.7 feet to an iron pin; thence West parallel to the South Township line a distance of 144.4 feet to an iron pin; thence South 0° 45' East a distance of 208.7 feet to an iron pin which lies 30 feet North of the South Township line; thence East a distance of 144.4 feet, more or less, to the point of beginning.

TOGETHER WITH that portion of vacated public road adjoining that inured thereto by Order entered April 21, 1971 in Commissioner's Journal.

SAVE AND EXCEPT the West 5 feet as recorded in Warranty Deed recorded July 21, 1975 in Book M-75 at Page 8231

## PARCEL 2:

A tract of land 25 feet by 25 feet, in the SE 1/4 SE 1/4 of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, together with pumping equipment thereon, more particularly described as follows:

Beginning at an iron pin which lies West along the Township line a distance of 258 feet and North 0° 45' West parallel to the East Township line a distance of 30 feet from the Southeast corner of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, and running thence West, parallel to and 30 feet North of the South Township line a distance of 90 feet to an iron pin which is the true point of beginning of this description; thence running North 0° 45' West a distance of 25 feet from an iron pin; thence West a distance of 25 feet to an iron pin; thence South 0° 45' East 25 feet to a line which is parallel to and 30 feet North of the East-West Township line; thence East along said line 25 feet to the point of beginning.

TOGETHER WITH that portion of vacated public road adjoining that inured thereto by Order entered April 21, 1971 in Commissioner's Journal.

## PARCEL 3:

A tract of land in the SE 1/4 SE 1/4 of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at an iron pin which lies West along the Township line a distance of 258 feet and North 0° 45' West parallel to the East Township line a distance of 30 feet from the Southeast corner of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, and running thence West parallel to and 30 feet North of the South Township line, a distance of 90 feet to an iron pin; thence North 0° 45' West a distance of 25 feet to an iron pin; thence West a distance of 25 feet to an iron pin; thence North 0 degrees 45' West a distance of 183.7 feet to an iron pin; thence East parallel to the South Township line a distance of 130 feet to a point; thence South 0° 37' West a distance of 208.7 feet to a point which lies 30 feet North of the South Township line; thence West 10 feet, more or less, to the point of beginning.

TOGETHER WITH that portion of vacated public road adjoining that inured thereto by Order entered April 21, 1971 in Commission's Journal.

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE  
AND PROOF OF PERSONAL SERVICE ON OCCUPANTS

STATE OF OREGON    )  
                                  ) SS  
County of Klamath    )

I, William L. Sisemore, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original Trustee's Notice of Default and Election to Sell and Trustee's Notice of Sale given under the terms of that certain deed described in said notice.

  X   (1) I gave notice of the sale of the real property described in the attached Notice of Default and Election to Sell and Trustee's Notice of Sale by mailing a copy thereof, certified by William L. Sisemore, to be a true copy of the original notice, by both first class and certified mail with return receipt requested, restricted delivery, by placing the notices in a sealed envelope, with postage thereon, fully prepaid, and deposited in the United States Mail at Klamath Falls, Oregon, on June 20, 2002, which was after the Trustee's Notice of Default and Election to Sell was recorded, to each of the following named persons. Said persons include (a) The grantor of the trust deed; (b) Any successor-in-interest to the grantor whose interest appears of record, or of whose interest the trustee or 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 lien or interest; (d) Any person requesting notice as required by ORS 86.785. (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

David J. Clark  
P.O. Box 82  
Keno, OR 97627

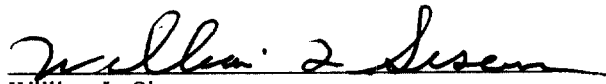
David J. Clark  
321 N. 5<sup>th</sup> St., #23  
Klamath Falls, OR 97601

  N/A   (2) The following persons were personally served as shown by Exhibit        attached hereto.

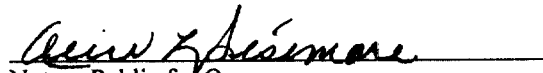
  X   (3) Personal service of Trustee's Notice of Sale was not required because the property is not occupied as shown by Exhibit   1   attached hereto.

  X   (4) The grantor(s) of the trust deed was/were not in the military service as shown by Exhibit   2   attached hereto.

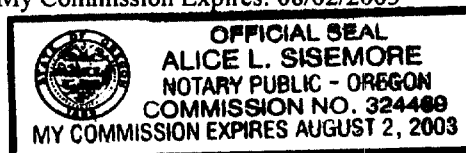
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

  
William L. Sisemore

Subscribed and sworn to before me by the above-named person on October 28, 2002

  
Notary Public for Oregon  
My Commission Expires: 08/02/2003

After recording, return to:  
William L. Sisemore  
Attorney at Law  
803 Main Street, #201  
Klamath Falls, OR 97601



## TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

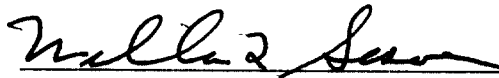
STATE OF OREGON            )  
   ) ss  
 County of Klamath         )

I, William L. Sisemore, being first duly sworn, depose, say and certify that: I am the Successor Trustee in that certain trust deed executed and delivered by David J. Clark as grantor(s) to Aspen Title & Escrow, Inc., as trustee, in which Naomi Barkhurst and Julie Ann Israel and Arlene Norma Young is beneficiary(ies), recorded on May 7, 2001, in the mortgage records of Klamath County, Oregon, in book/reel/volume no. M01, at page 20770, covering the following described real property situated in said county:


As shown on attached Exhibit A

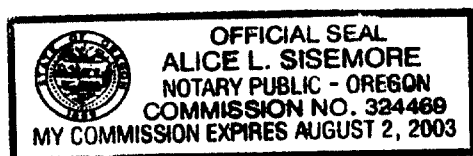
I hereby certify that on June 20, 2002, the above-described real property was not occupied.

The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.

  
 William L. Sisemore, Successor Trustee

Subscribed, sworn to and acknowledged before me this 20th day of June, 2002.

  
 Notary Public for Oregon  
 My Commission Expires: 08/02/03



After recording, return to:

William L. Sisemore  
 Attorney at Law  
 803 Main St., #201  
 Klamath Falls, OR 97601

**PARCEL 1:**

A tract of land being in the SE 1/4 SE 1/4 of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at an iron pin which lies West along the Township line a distance of 373.0 feet and North 0° 45' West parallel to the East Township line a distance of 30.0 feet from the Southeast corner of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, and running thence: Continuing North 0° 45' West a distance of 208.7 feet to an iron pin; thence West parallel to the South Township line a distance of 144.4 feet to an iron pin; thence South 0° 45' East a distance of 208.7 feet to an iron pin which lies 30 feet North of the South Township line; thence East a distance of 144.4 feet, more or less, to the point of beginning.

TOGETHER WITH that portion of vacated public road adjoining that inured thereto by Order entered April 21, 1971 in Commissioner's Journal.

SAVE AND EXCEPT the West 5 feet as recorded in Warranty Deed recorded July 21, 1975 in Book M-75 at Page 8231

**PARCEL 2:**

A tract of land 25 feet by 25 feet, in the SE 1/4 SE 1/4 of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, together with pumping equipment thereon, more particularly described as follows:

Beginning at an iron pin which lies West along the Township line a distance of 258 feet and North 0° 45' West parallel to the East Township line a distance of 30 feet from the Southeast corner of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, and running thence West, parallel to and 30 feet North of the South Township line a distance of 90 feet to an iron pin which is the true point of beginning of this description; thence running North 0° 45' West a distance of 25 feet from an iron pin; thence West a distance of 25 feet to an iron pin; thence South 0° 45' East 25 feet to a line which is parallel to and 30 feet North of the East-West Township line; thence East along said line 25 feet to the point of beginning.

TOGETHER WITH that portion of vacated public road adjoining that inured thereto by Order entered April 21, 1971 in Commissioner's Journal.

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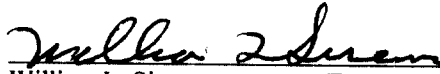
TOGETHER WITH that portion of vacated public road adjoining that inured thereto by Order entered April 21, 1971 in Commission's Journal.

## CERTIFICATE OF NON-MILITARY SERVICE

STATE OF OREGON     )  
                                       ) SS  
 County of Klamath     )

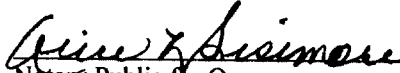
THIS IS TO CERTIFY that I am the Attorney and Trustee for beneficiary in that certain trust deed in which David J. Clark is grantor, conveyed to Aspen Title & Escrow, Inc., as trustee, certain real property in Klamath County, Oregon; which said trust deed was dated April 27, 2001, and recorded May 7, 2001, in the mortgage records of said county, in book/reel/volume M-01, page 20770; thereafter a notice of default with respect to said trust deed was recorded June 20, 2002, in book/reel/volume M02, at page 35748, of said mortgage records; thereafter the said trust deed was duly foreclosed by advertisement and sale and the real property covered by said trust deed was sold at the trustee's sale on October 28, 2002; I reasonably believe at no time during the period of three months and one day immediately preceding the day of said sale and including the day thereof, was the real property described in and covered by said trust deed, or any interest therein, owned by a person in the military service as defined in Article I of the "Soldiers' and Sailors' Civil Relief Act of 1940," as amended.

In construing this certificate the masculine includes the feminine, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor, the word "trustee" includes any successor trustee, and the word "beneficiary" includes any successor in interest to the beneficiary named in said trust deed.

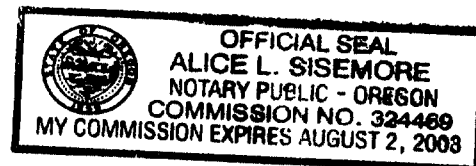
  
 William L. Sisemore,                      Trustee

STATE OF OREGON     )  
                                       ) SS  
 County of Klamath     )

This instrument was acknowledged before me on October 28, 2002, by William L. Sisemore.

  
 Notary Public for Oregon  
 My Commission Expires: 08/02/2003

After recording, return to:  
William L. Sisemore  
803 Main St., #201  
Klamath Falls, OR 97601



STATE OF OREGON,  
COUNTY OF KLAMATH

I, Larry L. Wells, Business Manager, being first duly sworn, depose 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 # 5045

Notice of Sale/Clark

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: ( 4 )  
Four

Insertion(s) in the following issues:  
July 18, 25, August 5, 8, 2002

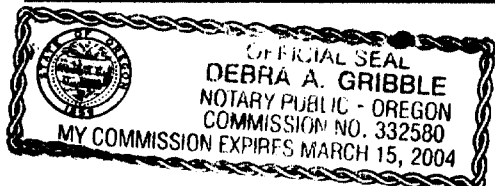
Total Cost: \$891.00

Subscribed and sworn

before me on: August 8, 2002

Notary Public of Oregon

My commission expires March 15, 2004



TRUSTEE'S  
NOTICE OF SALE

Reference is made to that Trust Deed wherein David J. Clark, is grantor, Aspen Title & Escrow, Inc., is Trustee, and Naomi Barkhurst and Julie Ann Israel and Arlene Norma Young, is Beneficiary, recorded in Official/ Microfilm Records, Vol. M01, page 20770, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

Exhibit "A"

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TOGETHER WITH

that portion of vacated public road adjoining that inured thereto by Order entered April 21, 1971 in Commissioner's Journal.

SAVE AND EXCEPT the West 5 feet as recorded in Warranty Deed recorded July 21, 1975 in Book M-75 at Page 8231.

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TOGETHER WITH that portion of vacated public road adjoining that

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The sum owing on the obligation secured by the trust deed is: \$29,789.81

plus interest at the rate of 8.5% per annum from February 1, 2002; plus all applicable late charges; plus trustee's fees; attorney's fees; foreclosure costs; all applicable late charges; and any sums advanced by beneficiary pursuant to the terms of said trust deed.

Beneficiary has and does elect to sell the property to satisfy the obligation secured by the trust deed pursuant to ORS 86.705 to 86.795.

The property will be sold as provided by law on October 28, 2002 at 10:00 AM based on standard of time established by ORS 86.710 at 803 Main Street, #201, Klamath Falls, Klamath County, Oregon.

Interested persons are notified of the right under ORS 86.753 to have this proceeding dismissed and the trust deed reinstated by payment of the entire amount then due, other than such portion as would not then be due 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 days before the date last set for sale.

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

Dated: June 17, 2002. William L. Simmore, Successor Trustee.

#5045 July 18, 25, August 5, 8, 2002.