

02 DEC 23 AM 10:39

Vol M02 Page 74751

INSTRUCTIONS FOR SERVICE OF TRUSTEE'S  
NOTICE OF SALE UPON OCCUPANT PURSUANT  
TO ORS 88.750 (1) AND PROOF OF SERVICE  
(120-Day Notice)

RE: Trust Deed from  
Krusmark

To

Grantor

Amerititle

Trustee

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

PATRICK J. KELLY

ATTORNEY AT LAW

717 NW 5th ST.

GRANTS PASS, OR 97520

SPACE RESERVED  
FOR  
RECORDER'S USE

State of Oregon, County of Klamath

Recorded 12/23/2002 10:39 A m.Vol M02, Pg 74751-54

Linda Smith, County Clerk

Fee \$ 36.00 # of Pgs 4

/as

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ed.

uty.

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

3312 Crest Street  
Klamath Falls, OR 97603

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 8/4/2002, 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

SIGNED AND SWORN TO before me on



Notary Public for Oregon

My commission expires 9-11-04

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

74752

**JEFFERSON STATE ADJUSTERS  
RECOVERY IS OUR BUSINESS**

1135 Pine Street  
Klamath Falls, Oregon 97601  
Phone: (541) 882-8036 Fax: (541) 883-2129

**AFFIDAVIT OF NON-OCCUPANCY**

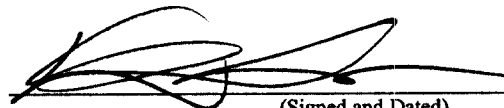
STATE OF OREGON  
COUNTY OF KLAMATH

I, Dave Shuck, being first duly sworn, depose and say: That I am and have been at all material times hereto, a competent person over the age of eighteen years and a resident of the county of Klamath, 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 12<sup>th</sup> day of August 2002, after personal inspection, I found the following described real property to be unoccupied.

Commonly described as (Street address) 3312 Crest Street  
Klamath Falls, OR 97603

I declare under the penalty of perjury that the above statements are true and correct.

 8-13-02  
(Signed and Dated)

Subscribed and Sworn to before me this 13 day of August, 2002



  
NOTARY PUBLIC OF OREGON  
MY COMMISSION EXPIRES: 4-12-04

NN

## TRUSTEE'S NOTICE OF SALE

74753

Reference is made to that certain trust deed made by Nicholas L. Krusmark

\_\_\_\_\_, as grantor,  
 to Amerititle, an Oregon Corporation, as trustee,  
 in favor of Edmund Spitzer & Jewell Spitzer, or the survivor thereof, as beneficiary,  
 dated September 10, 2001, recorded on September 14, 2001, in the Records of  
Klamath County, Oregon, in ~~booked~~ volume No. M01 at page 47075, ~~or as~~  
~~trust instrument in the form of reception No. xxxxxxxxxx~~ (indicate which), covering the following described real property  
 situated in that county and state, to-wit:

SEE EXHIBIT "A"

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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 in grantor's failure to pay when due the following sums:

The April 12, 2002 monthly installment in the amount of \$312.50 and each month thereafter, plus late charges of \$46.89.

By reason of the default just described, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

The unpaid principal balance of \$25,000.00 with interest thereon at 15% per annum from April 12, 2002 until paid.

WHEREFORE, notice is hereby given that the undersigned trustee will on December 2, 2002, at the hour of 10:30 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at Law Office of Richard Fairclo, 280 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 real property described above which the grantor had or had power to convey at the time of the execution by grantor of the trust deed together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of the 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 those 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 and attorney fees not exceeding the amounts provided by 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED July 24, 2002
  
 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.

  
 PATRICK J. KELLY

Attorney for Trustee

SERVE:\*

74754

**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.**