

'03 APR 29 AM 10:31

Vol M03 Page 27623

State of Oregon, County of Klamath
Recorded 04/29/2003 10:31 a m.
Vol M03 Pg 27623-28
Linda Smith, County Clerk
Fee \$ 46⁰⁰ # of Pgs 6

☐ TRUSTEE'S NOTICE OF DEFAULT AND ELECTION TO SELL
or
☒ TRUSTEE'S NOTICE OF SALE

Reference is made to that Trust Deed wherein Pilar Torres, is grantor; First American Title Insurance Company of Oregon, is Trustee; and Bill Boyd Harp, is Beneficiary, recorded in Official/Microfilm Records, Vol. M99, page 43269, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

Lot 3, EXCEPT the Easterly 40 feet thereof;
Lot 4, EXCEPT the Easterly 40 feet thereof; and also EXCEPT the Westerly 100 feet thereof; all in Block 78 of BUENA VISTA ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Tax account no. 3809-029BD-07000-000 - Key No. 213281 - Code No. 001

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: Instalment due November 15, 2002, in the amount of \$277.75 and a like payment due on the 15th day of each month thereafter; failure to pay real property taxes for the year 2002-03.

The sum owing on the obligation secured by the trust deed is: \$34,428.73 plus interest from October 11, 2002, at the rate of 8% per annum, 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 April 29, 2003, 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.

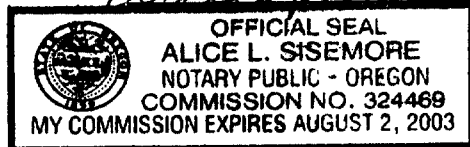
Dated: December 19, 2002

William L. Sisemore
William L. Sisemore, Successor Trustee

STATE OF OREGON, County of Klamath) ss

The foregoing was acknowledged before me on December 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

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 December 9, 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:

Irwin Union Bank and Trust Company
1717 East College Parkway
Carson City, NV 89706

Irwin Home Equity Corporation
P.O. Box 1368
San Ramon, CA 94583


Henry R. Travers
Jacqueline Travers
20572 Broadway
Sonoma, CA 95476

 (2) The following persons were personally served as shown by attached hereto.

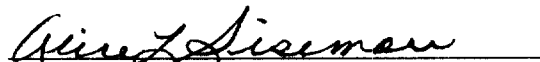
 (3) Personal service of Trustee's Notice of Sale was not required because the property is not occupied as shown by Exhibit attached hereto.

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

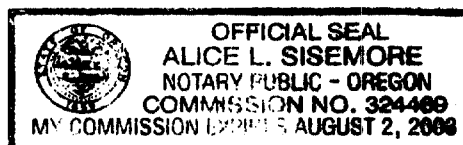
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.


William L. Sisemore

Subscribed and sworn to before me by the above-named person on April 29, 2003.


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



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 December 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:

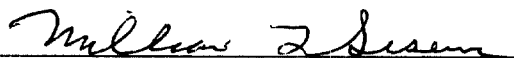
Pilar Torres
1755 Oregon Avenue
Klamath Falls, OR 97601

 (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.

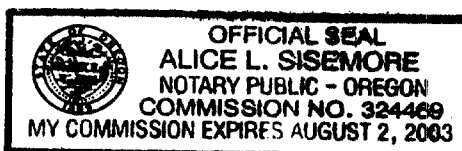
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.


William L. Sisemore

Subscribed and sworn to before me by the above-named person on April 29, 2003.


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



**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

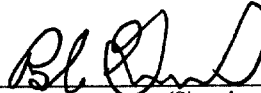
I, Rob Girard, being first duly sworn, depose and say: That I am and have been at all material times hereto, a competent person over the age of eighteen years and a resident of the county Klamath, State of Oregon. I am not a party to, an attorney for, or interested in any suit or action involving the property described below.

That on the 20th day of December 2002, after personal inspection, I found the following described real property to be unoccupied.

Commonly described as (Street address)

1755 Oregon Avenue
Klamath Falls, OR 97601


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



(Signed and Dated)

Subscribed and Sworn to before me this 20 day of December, 2002.




NOTARY PUBLIC OF OREGON
MY COMMISSION EXPIRES: 4-12-02

Affidavit of Publication

27627

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 # 5405

Notice of Sale/Torres

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

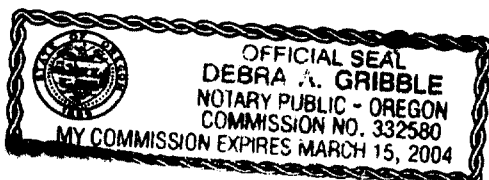
Insertion(s) in the following issues:
December 27, 2002, Jan. 3, 10, 17, 2003

Total Cost: \$432.00

Larry L. Wells
Subscribed and sworn
before me on: January 17, 2003

Debra A. Gribble
Notary Public of Oregon

My commission expires March 15, 2004



TRUSTEE'S NOTICE OF SALE

Reference is made to that Trust Deed wherein Pilar Torres, is grantor; First American Title Insurance Company of Oregon, is Trustee; and Bill Boyd Harp, is Beneficiary, recorded in Official/Microfilm Records, Vol. M99, page 43269, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

Lot 3, EXCEPT the Easterly 40 feet thereof; Lot 4, EXCEPT the Easterly 40 feet thereof; and also EXCEPT the Westerly 100 feet thereof; all in Block 78 of BUENA VISTA ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Tax account no. 3809-029BD-07000-000-
Key No. 213281-Code No. 001.

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: Installment due November 15, 2002, in the amount of \$277.75 and a like payment due on the 15th day of each month thereafter; failure to pay real property taxes for the year 2002-03.

The sum owing on the obligation secured by the trust deed is: \$34,428.73 plus interest from October 11, 2002, at

the rate of 8% per annum, 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 April 29, 2003 at 10:00 AM 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: December 19, 2002. William L. Sisemore, Successor Trustee.
#5405 December 27, 2002, January 3, 10, 17, 2003.

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 Pilar Torres, as grantor, conveyed to First American Title Insurance Company of Oregon, as trustee, certain real property in Klamath County, Oregon; which said trust deed was dated October 27, 1999, and recorded , in the mortgage records of said county, in book/reel/volume M99, page 43269; thereafter a notice of default with respect to said trust deed was recorded December 19, 2002, in book/reel/volume M02, at page 74257, 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 April 29, 2003; 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
 William L. Sisemore, Trustee

STATE OF OREGON)
) SS
 County of Klamath)

This instrument was acknowledged before me on April 29, 2003, by William L. Sisemore.

Alice 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

