

EL

**INSTRUCTIONS FOR SERVICE OF TRUSTEE'S  
NOTICE OF SALE UPON OCCUPANT PURSUANT  
TO ORS 86.750 (1) AND PROOF OF SERVICE  
(120-Day Notice)**

Vol M04 Page 82128

RE: Trust Deed from

LINDA L. TIPTON

To

Grantor

AMERITITLE, TRUSTEEBLAIR M. HENDERSON, SUCCESSOR  
TRUSTEE

Trustee

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

BLAIR M. HENDERSON, ATTORNEY  
426 Main Street  
Klamath Falls, OR 97601SPACE RESERVED  
FOR  
RECORDER'S USEState of Oregon, County of Klamath  
Recorded 11/30/04 11:54 a m  
Vol M04 Pg 82128-34  
Linda Smith, County Clerk  
Fee \$ 51<sup>00</sup> # of Pgs 71st 374001

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 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

LINDA L. TIPTON15208 Clover Creek Road  
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 August 19, 2004, 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.

(ATTORNEY FOR) TRUSTEE

SIGNED AND SWORN TO before me on August 16, 2004Marcie M. Henderson  
Notary Public for OregonMy commission expires 12/8/07

STATE OF OREGON, County of Klamath ss.

**PROOF OF SERVICE**

82129



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 where-  
in 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 succes-  
sor 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 \_\_\_\_\_, by delivering such true copy to  
\_\_\_\_\_ personally and in person,  
at \_\_\_\_\_, on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.  
Upon \_\_\_\_\_, by delivering such true copy to  
\_\_\_\_\_ 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.

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.

SIGNED AND SWORN TO before me on \_\_\_\_\_

Notary Public for Oregon \_\_\_\_\_

My commission expires \_\_\_\_\_

PUBLISHER'S NOTE: ORS 86.750 (1) requires the Notice of Sale to be served upon the occupant 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 docu-  
ment is recorded.

## PROOF OF SERVICE

STATE OF OREGON                    )  
  ) ss.  
County of Klamath                 )

I hereby certify that I made service of the foregoing TRUSTEE'S NOTICE OF SALE AND NOTICE REQUIRED BY THE FAIR DEBT COLLECTION PRACTICES ACT upon the within named individuals, by delivering or leaving a true copy of said documents, certified to be such by the attorney for the Successor Trustee as follows:

**Personal Service**

Upon ROBIN TIPTON by delivering such true copy to her personally and in person, at 15208 Clover Creek Road, Klamath Falls, Oregon, 97601 on the 9th day of August, 2004, at 3:25 o'clock p.m.


Upon ROBERT TIPTON by delivering such true copy to him personally and in person, at 15208 Clover Creek Road, Klamath Falls, Oregon, 97601 on the 9th day of August, 2004, at 3:25 o'clock p.m.

**Substituted Service**

Upon LINDA L. TIPTON by delivering such true copy at her dwelling house or usual place of abode, to-wit: 15208 Clover Creek Road, Klamath Falls, Oregon, to ROBIN TIPTON, who is a person over the age of 14 years and a member of the household of Linda L. Tipton, on the 9<sup>th</sup> day of August, 2004, at 3:25 o'clock p.m.

DATED this 9<sup>th</sup> day of August, 2004.

BASIN PROSERVE PROCESS SERVICE

By:   
Dave Davis

422 North 6<sup>th</sup> Street  
Klamath Falls, OR 97601  
(541) 884-6060

82131



## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Linda L. Tipton

AmeriTitle, Trustee, (Blair M. Henderson, Successor Trustee), as grantor, to  
 in favor of James H. Woodard, as trustee,  
 dated July 5, 2002, ~~xxx~~, recorded July 15, 2002, ~~xxx~~, in the mortgage records of  
 Klamath County, Oregon, in book/see/volume No. M02 at page 40065, or  
 as fee/file/instrument/microfilm/reception No. n/a (indicate which), covering the following described real  
 property situated in said county and state, to-wit:

Lot 3 in Block 3 of Klamath River Acres, according to the official plat thereof on file  
 in the office of the County 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 de-  
 fault for which the foreclosure is made is grantor's failure to pay when due the following sums:

See Exhibit 1, Paragraph 1, attached hereto and by this reference made a part hereof.

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:

See Exhibit 1, Paragraph 2, attached hereto and by this reference made a part hereof.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 17, 2004, ~~xxx~~,  
 at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at  
 front steps of the Klamath County Courthouse, 316 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 per-  
 formance 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 August 5, 2004, ~~xxx~~

BLAIR M. HENDERSON, Successor Trustee

Trustee

State of Oregon, County of Klamath 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

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.

SERVE:

## 1.

- a. Monthly principal and interest installments of \$578.53 each for the following months: October 2002, November 2002, December 2002, January 2003, February 2003, March 2003, April 2003, May 2003, June 2003, July 2003, August 2003, September 2003, October 2003, November 2003, December 2003, April 2004, June 2004, and July 2004; plus accrued interest; delinquent property taxes, if any; cost of foreclosure report; attorney's fees; together with any sums due or that may become due under the Note or by reason of this foreclosure and any further advances made by Beneficiary as allowed by the Note and Trust Deed.
- b. Lien of the State of Oregon, Department of Revenue for Deferred Special Assessment properties, as set forth in notice:
- Recorded : July 3, 2001, Volume M01, page 32385, records of Klamath County, Oregon  
Account No. : 499865 and 873323
- c. A judgment for the amount herein stated and any other amounts due:
- Case No. : 03-3188CV  
Entered : October 1, 2003  
Amount : \$645.02, plus interest, costs, if any  
Creditor : Credit Bureau of Klamath County  
Debtor : Linda Tipton aka Linda Spears
- d. Terms and provisions contained in Order filed April 15, 2004, Case No. 04-1118CV, as follows: "A fine of \$600.00 as imposed and then suspended for thirty (30) days providing the defendant abates the nuisances from Defendant's property to the satisfaction of Klamath County."
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## 2.

- a. The principal sum of \$60,669.16 with interest on the principal balance at the rate of 7.74% per annum from August 7, 2002, until paid; delinquent property taxes, if any; cost of foreclosure report; attorney's fees, trustee's fees, together with any other sums due or that may become due under the Note or by reason of this foreclosure and any further advance made by Beneficiary as allowed by the Note and Trust Deed.
- b. Lien of the State of Oregon, Department of Revenue for Deferred Special Assessment properties, as set forth in notice:
- Recorded : July 3, 2001, Volume M01, page 32385, records of Klamath County, Oregon  
Account No. : 499865 and 873323

- c. A judgment for the amount herein stated and any other amounts due:

Case No. : 03-3188CV  
Entered : October 1, 2003  
Amount : \$645.02, plus interest, costs, if any  
Creditor : Credit Bureau of Klamath County  
Debtor : Linda Tipton aka Linda Spears

- d. Terms and provisions contained in Order filed April 15, 2004, Case No. 04-1118CV, as follows: "A fine of \$600.00 as imposed and then suspended for thirty (30) days providing the defendant abates the nuisances from Defendant's property to the satisfaction of Klamath County."
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3.

- a. Lien of the Department of Revenue of the State of Oregon, 955 Center Street N.E., Salem, Oregon, 97301-2555, for Deferred Special Assessment properties, as set forth in notice:

Recorded : July 3, 2001, Volume M01, page 32385, records of Klamath County, Oregon

Account No. : 499865 and 873323

- b. A judgment for the amount herein stated and any other amounts due:

Case No. : 03-3188CV  
Entered : October 1, 2003  
Amount : \$645.02, plus interest, costs, if any  
Creditor : Credit Bureau of Klamath County  
839 Main Street, Klamath Falls, OR 97601  
Debtor : Linda Tipton aka Linda Spears

- c. Terms and provisions contained in Order filed April 15, 2004, Case No. 04-1118CV, Klamath County Planning Department, Plaintiff, 305 Main Street, Klamath Falls, Oregon, 97601, as follows: "A fine of \$600.00 as imposed and then suspended for thirty (30) days providing the defendant abates the nuisances from Defendant's property to the satisfaction of Klamath County."

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

1. The amount of the debt is stated in the Trustee's Notice of Sale.
2. The beneficiary named in the 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 will be assumed to be valid by the trustee unless the debtor, within thirty (30) days after the receipt of this notice, disputes the validity of the debt or some portion thereof.
4. If the debtor notifies the trustee in writing within thirty (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 Trustee's Notice of Sale is not the original creditor, and if the debtor makes a written request to the trustee within the thirty (30) days from the 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:  
  
BLAIR M. HENDERSON  
Attorney at Law  
426 Main Street  
Klamath Falls, OR 97601  
(541) 884-7731
7. This communication is an attempt to collect a debt, and any information obtained will be used for that purpose.