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**INSTRUCTIONS FOR SERVICE OF TRUSTEE'S  
NOTICE OF SALE PURSUANT TO ORS 86.740 AND  
PROOF OF SERVICE (120-Day Notice)**

RE: Trust Deed from  
**Weeks**

To Grantor  
**Aspen Title and Escrow Co.**

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

**Justin Throne, Attorney**  
**280 Main Street**  
**Klamath Falls, OR 97601**

**M05-66022**

Klamath County, Oregon

10/07/2005 10:04:48 AM

Pages 5 Fee: \$41.00

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:

STATE OF OREGON,

County of **Josephine**

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 following persons:

Name of person to be served

Address

Occupants

**1835 Crest**  
**Klamath Falls, OR 97603**

This includes: (a) the grantor in the trust deed; (b) any successor in interest to the grantor whose interest appears of record, or of whose interest the trustee or the 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 the lien or interest; and (d) any person requesting notice as provided in ORS 86.785.

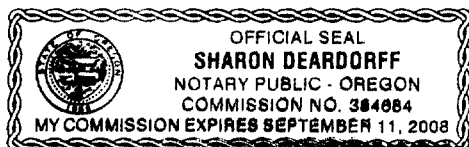
Service should be made by **5/11/05**, which is 120 days before the date fixed for the sale in the attached notice. If you have not made service by that date, but it appears that it is possible to effect service, persist in attempting to make service until it has been accomplished.

As used herein, the singular includes the plural, "trustee" includes 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

**October 4, 2005**



Sharon Deardorff  
Notary Public for Oregon

My commission expires **9-11-2008**

**PROOF OF SERVICE  
JEFFERSON STATE ADJUSTERS**

STATE OF: OREGON  
COUNTY OF: KLAMATH

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: **OCCUPANTS OF 1835 CREST KLAMATH FALLS, OREGON 97603**

☒ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to JOHN DOE  
A white male, approx 120#, 5'7", brown hair approx 20yrs of age  
at the address below.

☒ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to JOHN DOE, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: **THREE OTHER INDIVIDUALS OVER THE AGE OF 18 YEARS, WHOM JOHN DOE WOULD NOT IDENTIFY**

☐ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on \_\_\_\_\_ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the 18<sup>th</sup> day of May, 2005 I mailed a copy of the Trustee's Notice of Sale addressed to all the occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed *[Signature]*

OCCUPANTS OF 1835 CREST KLAMATH FALLS, OREGON 97603

**ADDRESS OF SERVICE**

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

May 17, 2005

10:54 a.m.

**DATE OF SERVICE**

**TIME OF SERVICE**

☐ or non occupancy

By: *[Signature]*  
Dana Inman

Subscribed and sworn to before on this 18<sup>th</sup> day of May, 2005.



*[Signature]*  
Notary Public for Oregon

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TRUSTEE'S NOTICE OF SALE  
Carmel Weeks

Reference is made to that certain trust deed made by \_\_\_\_\_

\_\_\_\_\_, as grantor,  
 to Aspen Title and Escrow Inc., as trustee,  
 in favor of Owen W. MacPhee and Neva K. MacPhee, husband and wife, as beneficiary,  
 dated December 4, 2000, recorded on December 11, 2000, in the Records of  
Klamath County, Oregon, in ~~book~~/volume No. M00 at page 44314, or as  
~~set forth in instrument or microfilm 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 December 11, 2004 monthly installment of \$585.79 and each month thereafter, plus buyer's fees of \$45.00, plus late charges of \$175.74, plus fire insurance paid by lienholder in the amount of \$212.21 with interest thereon at 13% per annum from April 14, 2005 until paid.

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 \$47,518.50 with interest thereon at 13% interest per annum from November 17, 2004 until paid, plus late charges of \$175.74, plus fire insurance paid by lienholder of \$212.21 with interest thereon at 13% per annum from April 14, 2005 until paid.

WHEREFORE, notice is hereby given that the undersigned trustee will on September 8, 2005, 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 Justin Throne, 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 May 3, 2005

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:\*

## EXHIBIT "A"

A parcel of land lying in Lots 44 and 45, Block G, HOMECREST, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Northwest corner of Lot 44 of said Block G; thence East along the North line of said Lot 44, 123.66 feet; thence South 26 degrees 00' East 97.0 feet; thence South 79 degrees 00' West 138.0 feet; thence North 45 degrees 00' West along the Northeasterly line of Crest Street (Faircrest Drive on the official plat of Homecrest) 55.1 feet; thence North along the West line of said Lot 44, to the point of beginning.

CODE 41 MAP 3909-3AB TL 4600

**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.**