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K-36939

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE *del. Mys* Page 7804

540-868

STATE OF OREGON       )  
                              : ss.  
County of Multnomah)

I, Joyce Blaumer, 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 his successor in interest named in the attached original Notice of Sale given under the terms of that certain trust deed described in said Notice.

I gave notice of the sale of the real property described in the attached Notice of Sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following-named persons (or their legal representatives, where so indicated) at their respective last known addresses, to wit:

Linda Keneally

865 Wiard Street  
Klamath Falls, Oregon 97601  
(Mailed January 14, 1985)

Nicholas J. Keneally

6390 North A. Street  
Springfield, Oregon 97478  
(Mailed January 14, 1985)

USA IRS Assistant  
U.S. Attorney

U.S. Courthouse  
620 S.W. Main Street  
Portland, Oregon 97204  
(Mailed January 14, 1985)

Chief Special  
Procedure Section  
District Director of IRS

1220 S.W. Third  
Portland, Oregon 97208

Lucas &amp; Howard Furniture

195 East Main Street  
Klamath Falls, Oregon 97601

Said persons include (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 required by ORS 86.785.

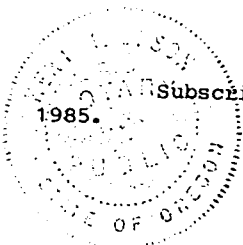
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Valerie T. Auerbach, attorney for the trustee named in said Notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States Post Office at Portland, Oregon, on January 14, 1985. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the Notice of Default and Election to Sell described in said Notice of Sale was recorded.

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

*Joyce Blaumer*  
Joyce Blaumer

Subscribed and sworn to before me this 15 day of May, 1985.

*Kenneth Olson*  
Notary/Public for Oregon  
My Commission Expires: 2/2/86



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Reference is made to that certain trust deed made by Nicholas J. Keneally and Linda Keneally, as grantors, to Transamerica Title Insurance Company, as trustee, in favor of Equitable Savings and Loan Association, as beneficiary, recorded May 3, 1979, in the mortgage records of Klamath County, Oregon, as Book M-79, page 10064 covering the following-described real property situated in said county and state, to wit:

Lot 19, Block 6, Tract No. 1035, GATEWOOD, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

There is a default by the grantors or other persons owing an obligation, the performance of which is secured by said trust deed, or by their successor in interest; the default is: the failure to pay when due the following sums: Monthly installments of \$375.32 each, beginning with March, 1983 until June 1, 1983 and monthly installment of \$423.28 each beginning with July 1, 1983 until paid, plus monthly late charges of \$18.77 each, beginning with March, 1983 until June, 1983 plus monthly late charges of \$21.16 each beginning with July, 1983 until paid; real property taxes for the years 1982-83, 1983-84 and 1984-85 in the sums of \$727.01, \$959.19, \$1,166.29, respectively, plus penalties and interest; deferred interest in the amount of \$2,902.04.

By reason of said default, the beneficiary or the beneficiary's successor in interest has declared all obligations secured by said trust deed immediately due and payable, said sums being the following: \$43,146.93, with interest thereon at the rate of 12 percent per annum, from March 1, 1983 until paid, plus monthly late charges of \$18.77 each, beginning with March, 1983 until June, 1983, plus monthly late charges of \$21.16 each beginning with July, 1983 until paid; real property taxes for the years 1982-1985 in the sum of \$2,852.49 plus penalties and interest; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by The Benj. Franklin Federal Savings and Loan Association for protection of the above-described real property and its interest in it.

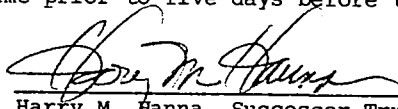
The beneficiary and trustee or their successors in interest, have elected and do hereby elect to cause the property to be sold at public auction to the highest bidder for cash to satisfy the obligations secured by said trust deed and the expenses of the sale, including the compensations of the trustee or successor trustee and the reasonable attorneys fees incurred.

Said sale will be held on June 3, 1985, at the hour of 10 o'clock, A.M., Standard Time at the following place: The front steps of the Klamath County Courthouse in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place fixed for said sale.

Notice is given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by curing the above-described defaults and by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with costs and trustee's and attorneys fees, at any time prior to five days before the date for said sale.

Dated January 14, 1985

STATE OF OREGON )  
 : ss.  
County of Multnomah )

  
Harry M. Hanna, Successor Trustee

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.

Valerie T. Auerbach, OSB #84158  
Attorney for said Trustee

AFTER RECORDING, RETURN TO:

NIEHAUS, HANNA, MURPHY,  
GREEN, OSAKA & DUNN  
Attention: Valerie T. Auerbach  
Benj. Franklin Plaza, Suite 1111  
One Southwest Columbia  
Portland, Oregon 97258

WAIVER OF SERVICE

7806

United States of America, Internal Revenue Service is the judgment creditor in that certain Federal tax lien as represented by judgment Docket Book No. M-83/4654 in the amount of \$2,896.45 (unpaid balance) for tax period ending December 31, 1985, kind of tax: 1040. We have received notice of the Trustee's sale with respect to that certain Trust Deed between Nicholas J. Keneally and Linda Keneally, husband and wife, and Equitable Savings & Loan Association, a corporation, recorded May 3, 1979. We hereby waive any defect in service and consent to continuation of the foreclosure proceedings as if we had been notified 25 days prior to the sale date.

UNITED STATES OF AMERICA,  
INTERNAL REVENUE SERVICE

By: June L. Stone, Chief Clerk

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record this 28th day of May A. D. 19 85 at 12:54 o'clock P M., and  
duly recorded in Vol. M85, of Mortgages on Page 7804

Fee: \$13.00

By Evelyn Bienn EVELYN BIEHN, County Clerk

WAIVER OF SERVICE