

64647

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

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STATE OF OREGON, County of Multnomah, SS:

I, Charles P. Starkey

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:

NAME
David K. Burton

ADDRESS

451 Broccoli, Roseburg, Oregon 97470

Sheryl A. Burton

451 Broccoli, Roseburg, Oregon 97470

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

Mark A. von Bergen.

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 May 13, 1986. 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.

Subscribed and sworn to before me this 6th day of August, 1986.

Charles P. Starkey, Trustee

Notary Public for Oregon, My commission expires June 5, 1988

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

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

David K. Burton and Sheryl A. Burton

Grantor

TO
Charles P. Starkey, Esq.

Trustee

AFTER RECORDING RETURN TO

Charles P. Starkey, Esq.
Weiss, DesCamp, Botteri & Huber
2300 U.S. Bancorp Tower
111 S.W. Fifth Avenue
Portland, Oregon 97204

(DON'T USE THIS SPACE, RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED)

STATE OF OREGON,

County of _____ } ss.

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____.
Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____ Deputy

TRUSTEE'S NOTICE OF SALE

14142

Reference is made to that certain trust deed made by DAVID K. BURTON AND SHERYL A. BURTON, as grantor, to BANK OF MILWAUKIE*, as trustee, in favor of UNITED STATES NATIONAL BANK OF OREGON, an association, as beneficiary, dated May 14, 1981, recorded June 1, 1981, in the mortgage records of Klamath County, Oregon, in Volume M-81, at page 9724, ~~the file of the mortgage was on file in the office of the County Clerk, Klamath County, Oregon, in the mortgage records of~~ the following described real property situated in said county and state, to-wit: The West 1/2 of Lot 22, Block 3, First Addition to Altamont Acres, in the County of Klamath, State of Oregon, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

* The beneficiary has appointed Charles P. Starkey, Esq. as successor trustee.

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 Section 86.735(3) of Oregon Revised Statutes; the default for which the foreclosure is made is grantor's failure to pay when due the following sums: The monthly payment of principal and interest due December 1, 1985, in the amount of \$351, the monthly payments of principal and interest due on January 1, 1986, and on the first (1st) day of each month thereafter, in the amount of \$347 each, late charges totalling \$35, and an advance by the beneficiary for hazard (fire) insurance premium due for April, 1986, in the amount of \$18.39, all totalling \$2,139.39.

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: The principal balance due in the amount of \$30,654.26, plus interest at the rate of 9.75% per annum from November 1, 1985 until paid, late charges totalling \$35, advances made for hazard (fire) insurance premiums for April, 1986, in the amount of \$18.39, and each month thereafter until paid, the cost of a property inspection in the amount of \$17.25, the cost of a foreclosure report in the amount of \$219, and other costs and disbursements incurred in the course of**

WHEREFORE, notice hereby is given that the undersigned trustee will on September 15, 1986, at the hour of 10:00 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at the front entrance of the Klamath County Courthouse, at 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 him of the said trust deed, together with any interest which the grantor or his 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 Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 performance 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 Section 86.753 of Oregon Revised Statutes.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 May 7, 1986.

Charles P. Starkey
Charles P. Starkey, Trustee

**this proceeding.

State of Oregon, County of Multnomah ss:

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.

Mark H. von Bergen

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:

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of August A.D., 19 86 at 2:37 o'clock P M., and duly recorded in Vol. 11th day of Mortgages on Page 14141 M86.

FEE \$9.00

Evelyn Biehn, County Clerk

By Mark H. von Bergen