

69519

ASPEN F-30010

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Klamath, ss:

I, Sandra Handsaker

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
James D. Cody

ADDRESS
593 Arcade Drive
Ventura, CA 93003

Barbara J. Cody

593 Arcade Drive
Ventura, CA 93003

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 Andrew A. Patterson, Assistant Secretary, 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 Klamath Falls, Oregon, on August 18, 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 18th day of December, 1986.

Notary Public for Oregon. My commission expires 1-15-90.

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

James D. Cody
Barbara J. Cody

Grantor

TO
Aspen Title & Escrow, Inc.

Successor Trustee

AFTER RECORDING RETURN TO
Aspen Title & Escrow, Inc.
600 Main Street
Klamath Falls, Oregon 97601

(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 1986 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

By

TITLE

Deputy

ASPEN F-30010
TRUSTEE'S NOTICE OF SALE

23460

OK

Reference is made to that certain trust deed made by JAMES D. CODY and BARBARA J. CODY, husband and wife, as grantor, to MOUNTAIN TITLE COMPANY, as trustee, in favor of JACK T. JAMAR, as beneficiary, dated April 15, 1981, recorded April 22, 1981, in the mortgage records of Klamath County, Oregon, in book/trust No. M-81 at page 7185.

~~the following instrument or instruments~~ covering the following described real property situated in said county and state, to-wit:
Lot 18, Block A, Tract No. 1021, WILLIAMSON RIVER KNOLL, in the County of Klamath, State of Oregon.

TOGETHER WITH an undivided 1/80th interest in and to the following described property: The Easterly 60 feet of that portion of Government Lots 40, 41, 44, and 45, lying South of the Williamson River Knoll Subdivision and North of the Williamson River.
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 default for which the foreclosure is made is grantor's failure to pay when due the following sums: Monthly installments of principal and interest due for the months of March, April, May, June, July, August, September, October, November, and December of 1985, and January, February, March, April, May, June and July of 1986, in the amounts of \$89.20 each; and subsequent installments of like amounts; Subsequent amounts for assessments due under the terms and provisions of the Note and Deed of Trust

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:
\$6,445.66 plus interest and late charges, thereon from March 5, 1985, at the rate of TEN (10%) PER CENT PER ANNUM until paid and all sums expended by the Beneficiary pursuant to the terms and provisions of the Note and Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 19, 1986, at the hour of 9:55 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at ASPEN TITLE & ESCROW, INC., 600 Main Street, 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 of 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 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 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 ORS 86.753.

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 August 6, 1986

ASPEN TITLE & ESCROW, INC.

BY: Barlene L. Addington
Successor Trustee

State of Oregon, County of Klamath, ss: Secretary for the above named trustee and that I, the undersigned, certify that I am the Secretary of the Trust and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Secretary XXXXXXXXXX for said Trustee

SERVE:

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.

STATE OF OREGON: COUNTY OF KLAMATH: ss. _____ the 18th day
Filed for record at request of _____ at 4:14 o'clock P M., and duly recorded in Vol. M86
of December A.D., 19 86 at _____ on Page 23459
of Mortgages _____
By EVELYN STEHN County Clerk
Bernethand

FEE \$9.00