

71523

ASPEN F-29994

Vol. M87

Page 2599

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
STATE OF OREGON, County of Klamath, ss:

I, Sandra Handsaker,

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
Deann Smallwood
Deann Smallwood, Surviving Spouse of
Wilburn J. Smallwood
Deann Smallwood
Deann Smallwood, Surviving Spouse of
Wilburn J. Smallwood
Internal Revenue Service

ADDRESS
4750 Strudivant, Klamath Falls, OR 97603
P. O. Box 681, Chiloquin, Oregon 97624
P. O. Box 681, Chiloquin, Oregon 97624
4750 Strudivant, Klamath Falls, Oregon 97603
P. O. Box 3550, Portland, Oregon 97208

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 October 13, 1987. 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 February, 1987.

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

AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE

RE: Trust Deed from

Wilburn Smallwood

Deann Smallwood

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 COUN.
TIES 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

1987 FEB 19 PM 4 19

ASPEN F-29994

TRUSTEE'S NOTICE OF SALE

2600

Reference is made to that certain trust deed made by

WILBURN SMALLWOOD and DEANN

SMALLWOOD

MOUNTAIN TITLE COMPANY

in favor of JACK T. JAMAR

dated September 15, 1981

Klamath

County, Oregon, in book

December 11, 1981

M-81

at page 21263

covering the following described real property situated in said county and state, to-wit:

Lot 20, Block 4, Tract 1021, WILLIAM 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 July, August, September, October, November and December of 1983; January thru December, inclusive, of 1984; January thru December, inclusive, of 1985; January, February, March, April, May, June, July, August and September of 1986, in the amounts of \$95.15 each; and subsequent installments of like amounts; Subsequent amounts for assessments due under the terms and provisions of the Note and Trust Deed.

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: \$6,960.01 plus interest and late charges, thereon from June 15, 1983, 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 February 20, 1987, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at ASPEN TITLE & ESCROW, INC., 600 Main Street, 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 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 October 6, 1986

ASPEN TITLE & ESCROW, INC.

BY:

Successor Trustee

State of Oregon, County of Klamath

ss:

I, the undersigned, certify that I am the Assistant Secretary for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Assistant Secretary 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

of February

A.D., 1987 at 4:19

of Mortgages

o'clock P.M., and duly recorded in Vol. M87

on Page 2599

FEE \$9.00

By Evelyn Biehn, County Clerk