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K-38959

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

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 | ADDRESS |
|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| 1. Thomas C. Whelan and Mary Jane Whelan | 1. P.O. Box 372, Bonanza, OR 97623 - and -
5201 Starlit Court, Klamath Falls, OR 97601 |
| 2. Ernest R. Thomas and Connie A. Thomas | 2. P.O. Box 265, Bonanza, OR 97623 - and -
BK N.E. School, Bonanza, OR 97623 |
| 3. Carter-Jones Collection Service, Inc.
c/o Leonard D. Jones, | 3. 1143 Pine Street, Klamath Falls, OR 97601 |

Registered Agent
 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, 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 November 7, 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.

Charles P. Starkey
 Charles P. Starkey, Trustee
 November 7, 1986

Subscribed and sworn to before me this 7th day of November, 1986.
Notary Public for Oregon. My commission expires June 5, 1988

More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.
 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
Thomas C. Whelan and Mary Jane Whelan (Ernest R. Thomas and Connie A. Thomas) 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, } ss.
 County of
 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

2836

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Thomas C. Whelan and Mary Jane Whelan*, as grantor, to _____, as trustee, _____, as beneficiary, _____, Bank of Milwaukie**

in favor of _____, dated December 19, 1980, recorded _____, 19 80, in the mortgage records of _____, County, Oregon, in book/reel/volume No. M-80, at page 24823 and _____, Klamath _____, re-recorded February 10, 1981, in Volume M-81, page 2097, covering the following described real property situated in said county and state, to-wit: Lots 17, 18, 19 and 20 in Block 51 of Grandview Addition to Bonanza, together with the South half of the alley that adjoins the property on the North, Klamath County, Oregon, according to the official plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

*Succeeded in interest by unrecorded Substitution Agreement dated August 26, 1982, executed by Thomas C. Whelan and Mary Jane Whelan, as Grantor, Housing Division, Department of Commerce, State of Oregon, as Beneficiary, and Ernest R. Thomas and Connie A. Thomas, as (continued on Exhibit A) hereto) by said trust deed 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: The payments of principal and interest due February 1, 1986, and on the first (1st) day of each month thereafter, in the sum of \$335 each, plus late charges totalling \$60, all totalling \$3,410.

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 owing in the sum of \$28,422.07, plus interest accrued thereon at the rate of 9.75% per annum from January 1, 1986 until paid in full, plus late charges totalling \$60, plus the cost of a foreclosure report in the sum of \$211, plus the cost of hazard insurance in the sum of \$34.10, plus the cost of securing the property in the sum of \$37.25, and plus other costs and disbursements incurred in the course of this proceeding.

WHEREFORE, notice hereby is given that the undersigned trustee will on _____, 19 87, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at the front entrance of the Klamath County Courthouse, 316 Main Street, Klamath _____, County of _____, 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 October 31, 1986 _____, 1986
Charles P. Starkey, Trustee

State of Oregon, County of _____, 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.
Nak H. von Bergen
Attorney 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.

Exhibit "A"

as Purchaser; and by Warranty Deed recorded September 23, 1982, in Volume M-82, page 12655, Records of Klamath County, Oregon.

**The beneficiary has appointed Charles P. Starkey, Esq. of Weiss, DesCamp, Botteri & Huber, A Professional Corporation, as successor trustee.

***The beneficial interest in said Trust Deed was assigned to Housing Division, Department of Commerce, State of Oregon, by Assignment dated December 19, 1980, recorded December 22, 1980, in Volume M-80, page 24827, and re-recorded February 10, 1981, in Volume M-81, page 2102, and additionally re-recorded March 26, 1981, in M-81, page 5445, Records of Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 23rd day
of February A.D., 19 87 at 11:53 o'clock A M., and duly recorded in Vol. M87,
of _____ of Mortgages on Page 2835.
By Evelyn Biehn, County Clerk [Signature]

FEE

\$13.00