

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON]
] ss.
County of Klamath]

I, RICHARD FAIRCLO, being 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 at their respective last known addresses, to-wit:

James H. Baggett
Dora Baggett
9339 Highway 97 South
Klamath Falls, OR 97603

James A. and Dora Baggett
c/o Steven A. Zamsky
Attorney at Law
601 Main Street
Klamath Falls, OR 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 as 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 true copy of the original notice of sale by RICHARD FAIRCLO, 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 July 28, 1989. With respect to each person listed above, one 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.

1989 JUL 28 AM 11 24

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

[Handwritten signature]

SUBSCRIBED AND SWORN to before me this 28 day of July, 1989.

[Handwritten signature: Lois E. Adolf]
Notary Public for Oregon
My Commission expires: 8/3/90

LOIS E. ADOLF
NOTARY PUBLIC - OREGON
My Commission Expires 8/3/90

UNOFFICIAL COPY

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by JAMES H. BAGGETT and DORA BAGGETT,
husband and wife,
ASPEN TITLE & ESCROW, INC., an Oregon Corporation, as grantor, to
 in favor of DAISY MAY SHAW, as trustee,
 dated September 6, 1988, recorded September 13, 1988, as beneficiary,
Klamath County, Oregon, in ~~book~~/volume No. M-88, 1988, in the mortgage records of
~~fee/title instrument/microfilm/reception No.~~ at page 14970
 property situated in said county and state, to-wit:

SEE ATTACHED EXHIBIT "A."

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:
 \$550 per month due on December 29, 1988, and each month thereafter,
 plus real estate taxes for the year 1988-89 in the amount of \$2,341.47
 plus interest in the amount of \$105.39 as of June 26, 1989. Taxes for the year 1989-90 are now a lien but not yet payable.

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:
 \$54,566.74 plus interest at the rate of 10 percent per annum from
 November 29, 1988, plus real estate taxes for the year 1988-89 in the
 amount of \$2,341.47 plus interest in the amount of \$105.39, as of
 June 26, 1989. Taxes for the year 1989-90 are now a lien but not yet payable.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 15, 1989,
 at the hour of 10:15 o'clock A.M., in accord with the standard of time established by ORS 187.110, at
Klamath County Courthouse front steps, 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 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 to be due had no default
 occurred) and by curing any other default complained of herein that is capable of being cured by tendering the perform-
 ance required under the obligation or trust deed, and in addition to paying said sums or tendering the perform-
 ance 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 obli-
 gation, 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 7/28, 1989.


 Richard Faircio

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.

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:

EXHIBIT "A"

A piece or parcel of land situate in the S 1/2 SW 1/4 of Section 30, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Commencing at the point of intersection of the section line marking the Southerly boundary of the said Section 30 with a line parallel with and 50 feet distant at right angles Southeasterly from the center line of the Klamath Falls-Midland section of the Oregon State Highway as the same is now located and constructed, from which point of intersection the Southwesterly corner of the said Section 30 bears South 89 degrees 42 1/2' West 827.1 feet, more or less, distant, and running North 36 degrees 49 1/2' East, along said parallel line 337.62 feet to the true point of beginning of this description; thence North 36 degrees 49 1/2' East, and continuing along said parallel line 200.0 feet; thence South 53 degrees 10 1/2' East 250.0 feet; thence South 36 degrees 49 1/2' West and parallel with said center line of the Klamath Falls-Midland section of the Oregon State Highway 200.0 feet; thence North 53 degrees 10 1/2' West 250.0 feet, more or less, to the said point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Proctor & Fairclo the 28th day
of July A.D., 19 89 at 11:24 o'clock A.M., and duly recorded in Vol. M89
of Mortgages on Page 13839.

FEE \$23.00

Evelyn Biehn County Clerk

By Pauline Mullendore