

## 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:

Resident and/or Terri Spafford  
 725 Martin 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 August 3, 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.

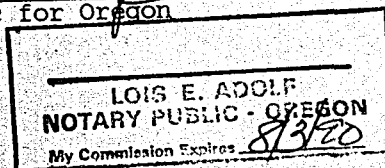
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

*[Signature]*

SUBSCRIBED AND SWORN to before me this 3rd day of August, 1989.

*[Signature]*  
 Notary Public for Oregon

Pro: PROCTOR & FAIRCLO  
 ATTORNEYS AT LAW  
 280 MAIN STREET  
 KLAMATH FALLS, OREGON 97601



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TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by DAVID L. BEAL and JERI L. BEAL, husband and wife, as grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY as trustee, in favor of LESLIE NORTH CUTT and NORMA V. NORTH CUTT, husband and wife, as beneficiary, dated November 9, 1987, recorded November 10, 1987, in the mortgage records of Klamath County, Oregon, in Book 1441 volume No. M87 at page 20442 of the instrument (microfilm, microfiche, or otherwise) (indicate which), covering the following described real property situated in said county and state, to-wit:

The Northerly 40 feet of Lots 486 and 487, Block 114, MILLS ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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 payments of \$300.11 from March 9, 1989, and each month thereafter, plus real estate taxes in the amount of \$1,260.56.

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:  
\$31,728.00 plus interest accrued in the amount of \$2,323.22 plus interest accruing at the rate of \$9.34 per day from July 10, 1989; plus real estate taxes in the amount of \$1,260.56.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 15, 1989, at the hour of 10:00 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 obligation 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 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 July 20, 1989

Richard Fairclo  
Trustee

State of Oregon, County of Klamath, 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.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Proctor & Fairclo the 3rd day of the month of August 1989 at 2:10 o'clock P.M., and duly recorded in Vol. M89 of the County Mortgages on Page 14326  
the name and address of party of Evelyn Biehn County Clerk  
By Barbara Mullendore  
FEE \$13.00