

OC

4041

ASPEN 04032896

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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:

Donnie D. Heaton, Jr.
Donnie D. Heaton, Jr.
Bernadette C. Heaton
Bernadette C. Heaton
Merrilees Oil Company

236 E. 2nd Street, Merrill, Oregon 97633
P. O. Box 781, Merrill, Oregon 97633
236 E. 2nd Street, Merrill, Oregon 97633
P. O. Box 781, Merrill, Oregon 97633
Merrill, Oregon 97633

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 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 April 17, 1989. 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 17th day of August

(SEAL)

Notary Public for Oregon. My commission expires 3-22-91

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one day.

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

Donnie D. Heaton, Jr.
Bernadette Heaton

Grantor

TO

Aspen Title & Escrow, Inc.

Successor

Trustee

AFTER RECORDING RETURN TO
Aspen Title & Escrow, Inc
600 Main Street
Klamath Falls, OR 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 19, at o'clock M., and recorded in book/reel/volume No. on page or as fee/tile/instrument/microfilm/reception No. Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By Deputy

ASPEN 04032896

TRUSTEE'S NOTICE OF SALE

15362



Reference is made to that certain trust deed made by CONNIE D. HEATON, JR. and BERNADETTE C. HEATON, husband and wife, as grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as trustee, in favor of DUANE L. MATTSO, TRUSTEE FOR ESTATE OF PHYLLIS MARIE MATTSO TRUST, as beneficiary, dated February 13, 1985, recorded February 24, 1986, in the mortgage records of Klamath County, Oregon, in book/entry No. M-86 at page 3137, ~~and the following described real property situated in said county and state, to-wit:~~ covering the following described real property situated in said county and state, to-wit:

Lots 3 and 4, Block 14, MERRILL, in the County of Klamath, State of 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 installments of principal and interest due for the months of June, July, August, September, October, November and December of 1987; January thru December, inclusive, of 1988; and January, February and March of 1989, in the amounts of \$298.19 each; plus two (2) payments of \$1,000.00 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: \$30,896.20 plus interest and late charges, thereon from January 4, 1988, at the rate of TEN (10%) PER CENT PER ANNUM until paid and all sum expended by the Beneficiary pursuant to the terms and provisions of the Note and Trust Deed.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 18, 1989, 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, 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 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 formance 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 April 7, 1989

ASPEN TITLE & ESCROW, INC.

By [Signature]

Successor

Trustee

State of Oregon, County of Klamath

I, the undersigned, certify that I am the ~~Assistant Secretary~~ 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 ~~XXXXXX~~ for said Trustee

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 17th day of Aug. A.D., 19 89 at 3:33 o'clock P.M., and duly recorded in Vol. M89 of Mortgages on Page 15361.

FEE \$13.00

Evelyn Biehn, County Clerk

By [Signature]