

13135

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Josephine, ss:

I, Carol N. Connors, 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
David Rowley	201 W. Front St., Merrill, OR 97633
Melaine Rowley	201 W. Front St., Merrill, OR 97633
Rowleys Meats	201 W. Front St., Merrill, OR 97633
Jack L. Sexton	905 Old Midland Rd., Klamath Falls, OR 97603
Nancy Sexton	905 Old Midland Rd., Klamath Falls, OR 97603

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 Patrick J. Kelly, 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 Grants Pass, Oregon, on December 4, 19 89. 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 29<sup>th</sup> day of March, 19 90

Carol N. Connors  
Carol N. Connors

Sharon V. Auey  
Notary Public for Oregon. My commission expires 7-13-92

\* More than one form of this 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

Grantor

TO

Trustee

AFTER RECORDING RETURN TO

Patrick J. Kelly  
1200 NE Seventh St.  
Grants Pass, Or. 97526

(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.

By \_\_\_\_\_ TITLE \_\_\_\_\_ Deputy

CC

6181

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF OREGON, County of Josephine, ss:

I, Carol N. Connors, 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

Dorothy E. Finkbiener

121 Front Street, Merrill, OR 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 Patrick J. Kelly, 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 Grants Pass, Oregon, on November 20, 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.

Carol N. Connors  
Carol N. Connors

Subscribed and sworn to before me this 29th day of March, 1990

(SEAL)

PUBLIC

Sharon Y. Quigg  
Notary Public for Oregon. My commission expires 7-13-92

\* More than this 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

Grantor

TO

Trustee

AFTER RECORDING RETURN TO

DO NOT USE THIS  
SPACE, RESERVED  
FOR RECORDING  
LABEL IN COUN-  
TIES 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

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Dorothy E. Finkbiener, as grantor, to Klamath County Title Company as trustee, in favor of Frank Fleet and Anna-Belle Fleet, husband and wife, or survivor, as beneficiary, dated March 7, 1989, recorded March 9, 1989 in the mortgage records of Klamath County, Oregon, in volume No. M89 at page 4090, or as instrument No. 97894 covering the following described real 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:

August 7, 1989 monthly installment of \$208.00 plus,  
September 7, 1989 monthly installment of \$208.00 plus,  
October 7, 1989 monthly installment of \$208.00 plus,  
Late charges of \$62.40

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 unpaid principal balance of \$15,600.00 with interest thereon at the rate of 16% per annum from July 7, 1989, until paid.

WHEREFORE, notice is hereby given that the undersigned trustee will on March 2, 1990, at the hour of 2:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at Front entrance of Klamath Falls Courthouse, 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 said described real property which the grantor had or had power to convey at the time of the execution by him 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

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 November 17, 1989

  
Patrick J. Kelly, Trustee

State of Oregon, County of Josephine 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.

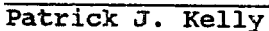
  
Patrick J. Kelly  
Attorney for said Trustee

Exhibit "A"

A piece or parcel of land situated in Lots 51 and 52 of MERRILL TRACTS, a platted portion of Klamath County in the City of Merrill, Oregon, being more particularly described as follows; Beginning at a 5/8 inch aluminum capped iron pin from which the Northeast corner of Section 11, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, bears North 40.0 feet and East 355.3 feet distant, said point of beginning also being on the South right-of-way of the Oregon State Highway No. 50; thence West along the South right-of-way of said highway 70.0 feet to a 5/8 inch aluminum capped iron pin; thence South 60.0 feet to a 5/8 inch aluminum capped iron pin; thence East 70.0 feet to a 5/8 inch aluminum capped iron pin; thence North 70.0 feet, more or less, to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Patrick J. Kelly the 4th day  
of April A.D., 19 90 at 2:30 o'clock P.M., and duly recorded in Vol. M90  
of Mortgages on Page 6180.

FEE \$23.00

Evelyn Biehn .County Clerk

By Pauline McIndoe