

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON |  
County of Klamath | ss.

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:

Robert Dale Riggs  
Robin Lynn Riggs  
P.O. Box 6053  
Lake Elsinor, CA 92330

Robin Riggs  
P.O. Box 6635  
Santa Ana, CA 92706

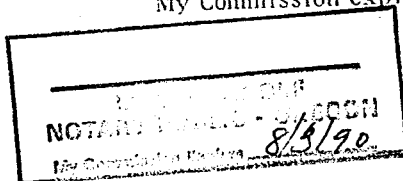
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary as actual notice (c) any person, including the Department of Revenue or any other state agency, having a lien or interest 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 April 27, 1990. 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.

SUBSCRIBED AND SWORN to before me this 27 day of April, 1990.

*John E. Clary*  
Notary Public for Oregon  
My Commission expires:



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

90 APR 27 AM 9 53

OR

## TRUSTEE'S NOTICE OF SALE

7853



Reference is made to that certain trust deed made by ROBERT DALE RIGGS and ROBIN LYNN RIGGS, husband and wife, as grantor, to MOUNTAIN TITLE COMPANY, INC., as trustee, in favor of RODRIC A. LANE and NANCY K. LANE, as beneficiary, dated December 7, 1982, recorded December 20, 1982, in the mortgage records of Klamath County, Oregon, in book 222 volume No. M82 at page 18135, by file/instrument/microfilm/recordation No. Records (indicate which), 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: Monthly payments of \$155.33 beginning April 20, 1989, to date. Also delinquent real estate taxes as follows: For 1986-87, \$127.34 plus interest and \$130 plus interest; For 1987-88, \$135.38 plus interest and \$138.23 plus interest; For 1988-89, \$233.42 plus interest and \$199.89 plus interest; For 1989-90, \$233.86 plus interest and \$209.16 plus interest.

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:

\$13,931.90 plus interest at the rate of \$3.7857 per diem from March 27, 1990, plus all delinquent taxes as set forth above.

WHEREFORE, notice hereby is given that the undersigned trustee will on September 5, 1990, at the hour of 10:30 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 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 April 23, 1990

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.

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"

A parcel of land situated in the N1/2 of Section 14, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a 5/8" iron pin from which the Southwest corner of the NE1/4 of the NW1/4 of said Section 14 bears the following two bearings and distances: North 89 degrees 54' 02" West 1097.61 feet; South 00 degrees 10' 16" West 391.19 feet; thence from said point of beginning South 89 degrees 54' 02" East 202.85 feet to a point; thence South 89 degrees 54' 30" East 348.71 feet to a point; thence South 787.98 feet to a point; thence South 89 degrees 43' 16" West 551.58 feet to a 5/8" iron pin; thence North 791.58 feet to the point of beginning.

Tax Account No: 3407 01400 00900  
3407 01400 01800

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Proctor & Fairclo the 27th day  
of April A.D., 19 90 at 9:53 o'clock A M., and duly recorded in Vol. M90  
of Mortgages on Page 7852.

Evelyn Biehn - County Clerk

FEE \$18.00

By Russell Mullender