

21925

ASPEN Title 35401 Vol. m90 Page 21639

Washington
STATE OF OREGON, County of King, ss:

I, David E. Fennell

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 beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain 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

Gary T. Whittle
Wade S. Lunde

830 E. Main, Klamath Falls, Oregon 97601
341 Martin, Klamath Falls, Oregon 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 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

David E. Fennell

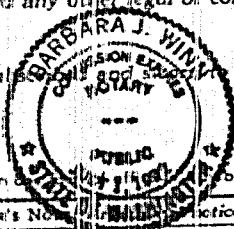
, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Seattle, Washington (390000), on July 11, 1990. With respect to each person listed above, one such notice 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 infection 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.

David E. Fennell

Subscribed and sworn to before me this 11th day of July, 1990

(SEAL)



Notary Public for Oregon My commission expires 7/1/92

* More than one copy of this notice should be used when the parties are numerous or when the mailing is done on more than one date.
The trustee's Notice of 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

Whittle/Lunde

Grantor

TO

Fennell

Trustee

AFTER RECORDING RETURN TO

Kim Rust
EMERSON THORNTON SILLER GILES & BULLIS
5400 Columbia Center, 701 5th Avenue
Seattle, Washington 98104

(DON'T USE THIS
SPACE. RESERVED
FOR RECORDING
LABEL IN COUN-
TIES 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/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

21640

Reference is made to that certain trust deed made by Gary T. Whittle

Transamerica Title Insurance Company, as grantor, to
in favor of Equitable Savings and Loan Association, as trustee,
dated February 8, 1978, recorded February 22, 1978, in the mortgage records of
Klamath County, Oregon, in book (can) M-78 at page 3321, or
property situated in said county and state, to-wit:

The South 80 feet of Lots 601 and 605, Block 103, MILLS ADDITION TO THE CITY
OF KUMPUH FALLS, in the County of Klamath, State of Oregon.

Property Address: 830 East Main Street, Klamath Falls, Oregon 97601

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 \$277.66 beginning 4-1-90 to 7-1-90; plus late charges of \$11.86 each month beginning 7-17-90;
plus prior accrued late charges of \$59.30; together with title expense, costs, trustee's fees and attorney's fees
incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of
the above described real property and its interest therein.

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:
\$15,702.45 with interest thereon at the rate of 9.75 percent per annum beginning 3-1-90 until paid; plus late charges of \$11.86 each month beginning 7-17-90 until paid; plus prior accrued late charges of \$59.30; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

WHEREFORE, notice hereby is given that the undersigned trustee will on November 14, 1990, at the hour of 10:00 o'clock, A.M., in accordance with the standard of time established by ORS 187.110, at inside (box to main lobby of the Klamath County Courthouse) 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 grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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 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 3, 1990

David E. Fennell, 5400 Columbia Center, 701 5th Avenue
Seattle, Washington 98104 (206) 623-7580
Trustee

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

STATE OF OREGON; COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 26th day of Oct. A.D. 19 90 at 3:10 o'clock P.M., and duly recorded in Vol. m90 of Mortgages on Page 21639

FEEL \$13.00

Evelyn Biehn County Clerk
By Pauline Millard