

22264

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

STATE OF OREGON, County of \_\_\_\_\_, ss:

I, Stanley C. Jones

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:

ADDRESS

582 Rio Grande Dr.  
Thousand Oaks, CA 19361

NAME  
Edward K. Kirchberg  
Rhonda Lue Kirchberg

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 \_\_\_\_\_

Stanley C. Jones, 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 July 16, 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 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 30 day of October, 1990.  
Stanley C. Jones  
Dick L. Young

Notary Public for Oregon. My commission expires 9-21-92.

(SEAL)  
\* More than one 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  
Edward K. Kirchberg

Rhonda Lue Kirchberg

Grantor

TO  
Klamath County Title Company  
(Stanley C. Jones - Successor)

Trustee

AFTER RECORDING RETURN TO

Boivin, Jones & Uerlings  
110 North 6th 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/file/instrument/microfilm/reception No. \_\_\_\_\_, Record of Mortgages of said County.  
Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_

Deputy

17520

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to a trust deed made by EDWARD K, KIRCHBERG and RHONDA LOU KIRCHBERG as grantors, to Klamath County Title Co. as trustee, in favor of Rose G. Young aka Rose J. Young, Edward C. Dore, and Jeanne M. Dore, as beneficiary, dated October 20, 1978, recorded February 20, 1979 in the mortgage records of Klamath County, Oregon, in volume No. M79 at page 3840, to secure the payment of the then due sum of \$4,950.00 plus interest and other charges.

Lot 29 in Block 7, MOUNTAIN LAKES HOMESITES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Stanley C. Jones, was appointed successor trustee on November 27, 1989 and recorded on December 4, 1989 in Vol. M-89 page 23947 in the mortgage records of Klamath County, Oregon.

The trustee hereby certifies that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735 (4). The undersigned further certifies that no assignments by the trustee or beneficiary nor no appointments of successor trustees have been made except as recorded in Klamath County.

There is a default by the grantor or other person owing an obligation, the performance of which is secured by said trust deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision the default for which foreclosure is made is grantors failure to pay when due the following sums:

Monthly payments in the sum of \$49.50 from and including February 8, 1982 to present, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns, including Real Property taxes totaling \$1,220.58, plus interest and late charges.

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:

\$8,576.95 together with interest thereon at the rate of 9% per annum from September 30, 1989, until paid, real estate taxes paid by the beneficiaries totaling \$1,220.58, plus interest and late charges, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclosure said trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the execution by him of the trust deed, together with any interest the grantor or his successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said trust deed and the expenses of the sale, including the compensations of the trustee

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as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:00 am, o'clock, in accordance with the standard time established by ORS 187.110 on November 26, 1990, at the following place: FRONT STEPS OF THE KLAMATH COUNTY COURTHOUSE in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for said sale.

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 attorneys 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 work "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: 6-11-90

By: Stanley C. Jones

State of OREGON, )  
 ) ss.  
County of Klamath )

SUBSCRIBED AND SWORN to before me this 11 day of JUNE, 1990.

Duckie D. Gaud  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 9-21-93

After Recording Return to:

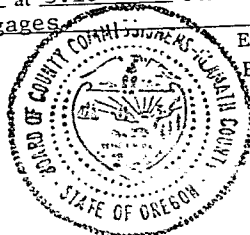
Stanley C. Jones  
BOIVIN & UERLINGS, P.C.  
110 N. Sixth Street  
Klamath Falls, OR 97601

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Boivin & Uerlings the 13 day of July A.D., 19 90 at 3:10 o'clock P.M. and duly recorded in Vol. M90 of Mortgages on Page 13953

FEE 13.00

By Bernetha A. Ketch  
Evelyn Biehn County Clerk



INDEXED  
D.V.I.V.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Boivin & Uerlings the 5th day of Nov. A.D., 19 90 at 4:29 o'clock P.M. and duly recorded in Vol. M90 of Mortgages on Page 22186

FEE \$18.00

By Douglas M. Lindberg  
Evelyn Biehn County Clerk