

OC

22267

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Klamath, 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:

NAME

Robert Earl Kash
Ella Jean Kash

ADDRESS

CE 2962-KO
315 W. Evans #68
Rogue River, OR 97537

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

(SEAL)

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

* 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

Robert Earl Kash
Ella Jean Kash

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, } 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

Vol. M90 Page 13949
NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to a trust deed made by Robert Earl Kash and Ella Jean Kash, husband and wife, as grantors, to Klamath County Title Co. as trustee, in favor of Rose G. Young, Edward C. Dore, and Jeanne M. Dore, as beneficiary, dated October 27, 1978, recorded October 27, 1978 in the mortgage records of Klamath County, Oregon, in volume No. M78 at page 24247, to secure the payment of the then due sum of \$6400 plus interest and other charges. The interest of the beneficiary in said trust deed was assigned on May 31, 1985, recorded June 25, 1985, Vol. M-85 page 9711, mortgage records of Klamath County, Oregon to Rose G. Young, also known as Rose G. Islon, covering the following described real property:

Lot 21 in Block 1 Mountain Lakes Homesites, Tract No. 1017, 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 \$64.00 from and including September 1, 1987 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 \$436.50 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:

\$4,446.02 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 \$436.50, 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

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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 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 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: 6-11-90

By: Stanley C. Jones

State of OREGON,)
County of Klamath) ss.

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

Paul L. Young
Notary Public for Oregon
My Commission Expires: 9-21-92

After recording
return to:

Stanley Jones
110 N. Sixth St
Klamath Falls, OR

NOTICE OF DEFAULT AND ELECTION TO SELL PAGE 2

STATE OF OREGON: COUNTY OF KLAMATH:

Filed for record at request of Boivin & Verlang the 13th day of July A.D. 19 90 at 4:10 o'clock P M., and duly recorded in Vol. M90 of Mortgages on Page 13949
By Evelyn Biehn County Clerk
Bernetha A. Litch

FEE \$13.00

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Nov. A.D. 19 90 at 4:29 o'clock P M., and duly recorded in Vol. M90 of Mortgages on Page 22191
By Evelyn Biehn County Clerk
Dorlene Munk

FEE \$18.00