

ON

24971

Vol. 91 Page 1214

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

STATE OF OREGON, County of Multnomah, ss:

I, Christine A. Kosydar

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

1. Terry L. Howard

P O Box 879  
107 SW Lakeshore Drive  
Estacada, OR 97023

2. John W. Williams

P O Box 879  
107 SW Lakeshore Drive  
Estacada, OR 97023

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.....  
Christine A. Kosydar....., 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 Portland....., Oregon, on September....., 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 20th day of September, 1990.

(SEAL)

Linda C Hopkins  
Notary Public for Oregon. My commission expires 6/12/92

\*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

Terry L. Howard and  
John W. Williams

Grantor

TO

Stewart Title of Oregon, Inc.

Trustee

AFTER RECORDING RETURN TO  
Stoel Rives Boley Jones & Grey  
900 SW Fifth Avenue  
Portland, OR 97204

Att: Christine A. Kosydar

(DON'T 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

CN

## TRUSTEE'S NOTICE OF SALE

1215

Reference is made to that certain trust deed made by Terry L. Howard and John W. Williams, as grantor, to Stewart Title of Oregon, Inc., as trustee, in favor of Prudential Bank, F.S.B., as beneficiary, dated September 23, 1986, recorded September 25, 1986, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M86 at page 17405, or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_ (indicate which), covering the following described real property situated in said county and state, to-wit:

See Exhibit A attached hereto.

Pacific First Bank, a Federal Savings Bank, has succeeded to all of Prudential Bank, F.S.B.'s right, title and interest in the Note and Trust Deed and is now the holder thereof.

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:

See Addendum A, paragraph 1, attached hereto.

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:

See Addendum A, paragraph 2, attached hereto.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 1, 1991, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at the front door 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 September 20, 1990

Christine A. Kosydar  
Successor Trustee

State of Oregon, County of Multnomah 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

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.

SERVE: \_\_\_\_\_

## EXHIBIT A

Legal Description

Beginning at the intersection of the centerlines of Dahlia Street and Clover Street in the City of Klamath Falls in the State of Oregon, thence along the centerline of Clover Street North  $54^{\circ}54'38''$  East 30.00 feet to the northerly right-of-way line of Dahlia Street, thence continuing along the northerly right-of-way line of Dahlia Street North  $37^{\circ}10'59''$  West 50.49 feet to the true point of beginning. Thence continuing along the northerly right-of-way line of Dahlia Street along a curve to the left having a radius of 427.57 feet, a central angle of  $52^{\circ}02'34''$ , an arc length of 388.37 feet, a long chord of 375.16 feet and a long chord bearing of North  $63^{\circ}12'16''$  West, thence North  $00^{\circ}46'26''$  East 359.39 feet, thence South  $89^{\circ}13'34''$  East 272.76 feet, thence South  $00^{\circ}46'26''$  West 54.00 feet, thence South  $87^{\circ}22'21''$  East 198.26 feet to the westerly right-of-way line of Clover Street, thence along the westerly right-of-way line of Clover Street South  $02^{\circ}37'39''$  West 266.86 feet, thence continuing along the westerly right-of-way line of Clover Street along a curve to the right having a radius of 273.64 feet, a central angle of  $47^{\circ}49'42''$ , an arc length of 228.42 feet, a long chord of 221.85 feet and a long chord bearing of South  $26^{\circ}32'30''$  West, thence along a curve to the right having a radius of 20.00 feet, a central angle of  $92^{\circ}21'39''$ , an arc length of 32.28 feet, a long chord of 28.86 feet and a long chord bearing of North  $83^{\circ}21'49''$  West to the northerly right-of-way line of Dahlia Street and the point of beginning.

## ADDENDUM A

1. Monthly installments heretofore becoming due and payable under the terms of said trust deed and the obligation secured thereby for the payment of principal, interest and other charges due and payable with respect to said property in the total sum of \$85,224, including the last such monthly installment of \$14,204 due on September 1, 1990, failure to pay real property taxes for the years 1987-88, 1988-89 and 1989-90, and failure to cure all events of default on said note and trust deed.
2. \$1,557,025.90, plus interest at the rate of 10.10 percent per annum from March 1, 1990 through March 31, 1990 and interest thereafter at the rate of 15.10 percent per annum from and after April 1, 1990 until paid, accrued late charges of \$32,669.20, a late charge of \$710.20 for each delinquent installment due after August 1990, the sum of \$2,935 advanced for a foreclosure report, and all sums expended by the beneficiary pursuant to the terms of said trust deed.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Christine A. Kosydar the 18th day  
of Jan A.D., 19 91 at 11:31 o'clock A M., and duly recorded in Vol. M91,  
of Mortgages on Page 1214.

FEE \$23.00

Evelyn Biehn County Clerk

By Pauline Millendor