

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON            ]  
                                   ] ss.  
 County of Klamath        ]

I, RICHARD FAIRCLO, being duly sworn, depose and say and certify that:

At all times hereinafter mentioned I was and am now a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor of 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:

Roy Pierce  
 c/o Harney Rock & Paving  
 Box 951  
 Last Chance Road  
 Elko, NV 89801

Rachel Pierce  
 1505 Addison  
 Klamath Falls, OR 97601

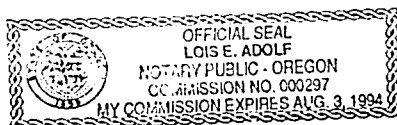
Lyn Hardy  
 State Court Administrator  
 Klamath County Circuit Court  
 316 Main Street  
 Klamath Falls, OR 97601

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 of the beneficiary has actual notice of the lien or interest, and (d) any person request 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 July 31, 1991. 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 31 day of July, 1991.



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

Notary Public of Oregon  
 My Commission expires:

Certified True Copy 15020

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by ROY FRANCIS PIERCE and RACHEL PIERCE, husband and wife, as Grantor, to MOUNTAIN TITLE COMPANY, as Trustee, in favor of F.S. NIDA and LEITA E. NIDA, husband and wife, as Beneficiary, dated March 9, 1983, recorded March 9, 1983, in the Microfilm Records of Klamath County, Oregon in Vol. M-83, page 3605, covering the following described real property situated in said county and state, to-wit:

### Parcel 1:

The West one-half of Lot 5, Block 35 HILLSIDE ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the county Clerk of Klamath County, Oregon, EXCEPTING THEREFROM the North 5 feet and the Easterly 9 feet of the Westerly 89 feet of said Lot 5.

### Parcel 2:

The West one-half of Lot 6 in Block 35 of HILLSIDE ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiaries and no appointments of a successor trustee have been made except as recorded in the mortgage records of the county or counties in which the above described real property is situated; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the trust deed, or if such action has been instituted, such action has been dismissed.

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 grantor's failure to pay when due the following sums:

\$9,348.97 in prior real estate taxes and costs paid by the Beneficiary to Klamath County on or about April 15, 1991, plus real estate taxes for the fiscal year 1990-91 in the amount of \$78.38 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:

\$28,714.98 principal plus interest in the amount of 10 percent per annum from July 24, 1991, plus real estate taxes and costs in the amount of \$9,348.97 owing to Beneficiary, plus taxes for the fiscal year 1990-91 in the amount of \$78.38 plus interest.

Notice hereby is given that the beneficiaries and trustee, by reason of said default, have elected and do hereby elect to foreclose said trust deed by advertisement and sale pursuant to Oregon Revised Statutes Sections 86.705 to 86.795 and to cause to be sold at public auction to the highest bidder for cash the interest in the said described property which the grantor had or had the power to convey, at the time of 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 obligation secured by said trust deed and the

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AND ELECTION TO SELL  
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PROCTOR & FAIRCLO  
ATTORNEYS AT LAW  
280 MAIN STREET  
KLAMATH FALLS, OREGON 97601

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 A.M. , as established by Section 187.110 of Oregon Revised Statutes, on December 17, 1991, at the following place: Klamath County Courthouse front steps, 316 Main Street, in the city of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place fixed by the trustee for said sale.

Other than as shown of record, neither the said beneficiaries nor the said trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to the grantor or of any lessee or other person in possession of or occupying the property except:

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 Section 86.753 of Oregon Revised Statutes.

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 which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: 7/24/91

Richard Fairclo  
Trustee

STATE OF OREGON

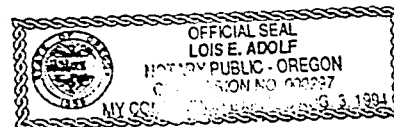
1  
} ss.  
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County of Klamath

The foregoing instrument was acknowledged before me this 29th day of July, 1991, by RICHARD FAIRCLO, Trustee.

Lois E. Adolf  
Notary Public for Oregon

My Commission expires: 8/3/94



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AND ELECTION TO SELL  
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PROCTOR & FAIRCLO  
ATTORNEYS AT LAW  
280 MAIN STREET  
KLAMATH FALLS, OREGON 97601

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## TRUSTEE'S NOTICE OF SALE

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Reference is made to that certain trust deed made by ROY FRANCIS PIERCE and RACHEL PIERCE, husband and wife, as grantor, to MOUNTAIN TITLE COMPANY, as trustee, in favor of F.S. NIDA and LEITA E. NIDA, as beneficiary, dated March 9, 1983, recorded March 9, 1983, in the mortgage records of Klamath County, Oregon, in ~~book~~ xxxxx volume No. M-83 at page 3605, ~~the file/instrument/microfilm/reception from xxxxxxxxxx (xxxxxx)~~, 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:

\$9,348.97 in prior real estate taxes and costs paid by the Beneficiary to Klamath County on or about April 15, 1991, plus real estate taxes for the fiscal year 1990-91 in the amount of \$78.38 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:

\$28,714.98 principal plus interest in the amount of 10 percent per annum from July 24, 1991, plus real estate taxes and costs in the amount of \$9,348.97 owing to Beneficiary, plus taxes for the fiscal year 1990-91 in the amount of \$78.38 plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 17, 1991, at the hour of 10:00 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 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 JULY 29, 1991

Richard Fairclo

Successor 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"

**PARCEL 1**

The West one-half of Lot 5, Block 35, HILLSIDE ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, EXCEPTING THEREFROM the North 5 feet and the Easterly 9 feet of the Westerly 89 feet of said Lot 5.

**PARCEL 2**

The West one-half of Lot 6 in Block 35 of HILLSIDE ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Proctor & Fairclo the 31st day  
of July A.D., 19 91 at 4:16 o'clock P.M., and duly recorded in Vol. M91,  
of Mortgages on Page 15019.

FEE \$28.00

Evelyn Biehn County Clerk

By Quentin M. Mulrooney

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