

OC

38801

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

Vol. 991 Page 26384

STATE OF OREGON, County of Klamath, ss:

I, MICHAEL L. BRANT

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  
Kenneth Kendall

Rick Werlinger

Jamie L. Foster

F. Jean Elzner

ADDRESS  
Post Office Box 1075  
Hiwassee Georgia  
6205 Roundlake Road  
Klamath Falls OR 97601  
1519 B Hood Road, No. 13  
Sacramento CA 95825  
Klamath County Tax Collector  
305 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 or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.\*

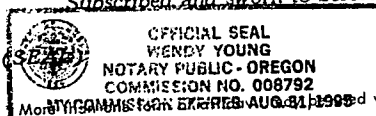
Each of the notices so mailed was certified to be a true copy of the original notice of sale by.....  
Michael L. Brant

....., 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 August 16, 1991. 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.

*Michael L. Brant*

Subscribed and sworn to before me this 17th day of December, 1991.



*Wendy Young*  
Notary Public for Oregon. My commission expires 8/31/95

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  
Kenneth Kendall

Grantor

TO  
Michael L. Brant

Trustee

AFTER RECORDING RETURN TO

MICHAEL L. BRANT  
ATTORNEY AT LAW  
325 MAIN STREET  
KLAMATH FALLS, OR 97601

(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

## TRUSTEE'S NOTICE OF SALE

26385

Reference is made to that certain trust deed made by KENNETH KENDALL

MOUNTAIN TITLE COMPANY/MICHAEL L. BRANT, Successor, as grantor, to  
 in favor of AGNES C. PARKS, as trustee,  
 dated April 8, 1983, recorded April 11, 1983, as beneficiary,  
Klamath County, Oregon, in book/reel/volume No. M 83, in the mortgage records of  
 as fee/file/instrument/microfilm/reception No. 22274 at page 5353, or  
 property situated in said county and state, to-wit:

The Southerly 65 feet of Lot 46, FAIR ACRES SUBDIVISION, NO. 1,  
 in the County of Klamath, State of Oregon, EXCEPTING THEREFROM  
 the Westerly 5 feet lying within boundaries of Kane Street.

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 installments of \$122 due since 10/26/87; with a like payment due each month thereafter until paid in full plus interest on the unpaid principal balance at the rate of 10% per annum from 9/8/87, the date of the last payment, in a total sum of \$4,034.36 through 4/15/91. Said interest accrues at the rate of \$3.07 per day. The unpaid principal balance due as of 4/15/91 is \$11,198.02.

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:

The principal amount of \$11,198.02 plus interest thereon at the rate of 10% per annum in the amount of \$4,034.36, which said interest accrues at the rate of \$3.07 per day from 4/15/91 until paid in full; plus attorney's fees, taxes due as of 1/15/91 in the amount of \$4,768.62 plus int. and costs.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 13, 1992, at the hour of 10 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at front steps of the Klamath County Courthouse, 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 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 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 August 16, 1991.

Michael L. Brant

MICHAEL L. BRANT

Successor

Trustee

State of Oregon, County of \_\_\_\_\_ 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: \_\_\_\_\_

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Michael L. Brant the 18th day  
 of Dec. A.D., 1991 at 11:52 o'clock A.M., and duly recorded in Vol. M91  
 of Mortgages on Page 26384

FEE \$13.00

Evelyn Biehn County Clerk

By Pauline Mueller