

60734

TRUSTEE'S AFFIDAVIT OF SERVICE OF PUBLICATION

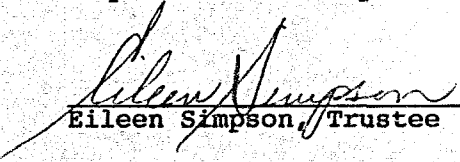
STATE OF OREGON)
) ss.
 County of Lane)

I, Eileen Simpson, being first sworn say:

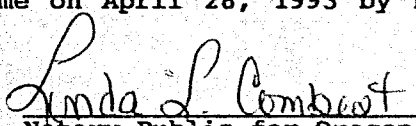
I am the trustee of that certain Trust Deed made by Monte Countryman in favor of Eugene Edward Ferris and Nancy Jeanette Ferris, beneficiaries, dated February 19, 1991, recorded February 20, 1991, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M91 at page 3078, as microfilm, covering the following described real property situated in said county and state, to-wit: Lot 9 in Block 19, FAIRVIEW ADDITION NO. 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

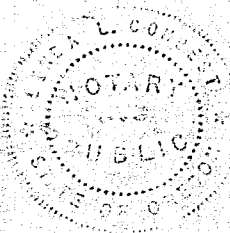
I certify that a notice of sale and amended notice of sale was served upon Robert P. Clark, occupant of the property described in the trust deed in compliance with ORS 87.750(1) and ORS 86.755(6). The original notice of default and election to sell was recorded on October 16, 1992, volume No. M92 at pages 24234 and 24235, reception No. 52390, and was duly served on October 28, 1992. I further certify that the amended notice of sale entitled Notice Of Postponement Of Sale dated March 1, 1993, recorded on March 8, 1993 in volume M93, page 4797 of the mortgage records of Klamath County, and was served by certified mail to the last known address of Monte Countryman, and Robert P. Clark, occupant of the premises on March 5, 1993, a date not less than 20 days prior to April 29, 1993 and in compliance with ORS 86.755(6), ORS 86.745 and ORS 86.750(1).

I further certify that a copy of the notice of sale was duly published in the Herald and News, a newspaper of general circulation in Klamath County, Oregon, once a week for four consecutive weeks, March 4, 11, 18 and 25, 1993 and that the last publication of the notice was made more than 20 days prior to the date scheduled for the sale, April 29, 1993. A true copy of a notice of sale published is attached as Exhibit "1" to this affidavit and by this reference incorporated as though fully set forth herein.


 Eileen Simpson, Trustee

SIGNED AND SWORN to before me on April 28, 1993 by Eileen Simpson.


 Notary Public for Oregon
 My commission expires: 11-27-93



Return: Kosta, Spencer & MacArthur
 439 Pine St
 Klamath Falls, Or. 97601

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Monte Countryman, as grantor, to Mountain Title Company of Klamath County, Eileen Simpson successor, as trustee, in favor of Eugene Edward Ferris and Nancy Jeanette Ferris, beneficiaries, dated February 19, 1991, recorded February 20, 1991, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M91 at page 3078, as microfilm, covering the following described real property situated in said county and state, to-wit: Lot 9 in Block 19, FAIRVIEW ADDITION NO. 2, 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 beneficiary and no appointments of a successor trustee have been made except as recorded in the mortgage records of the county in which the above described real property is situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed.

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 provisions; the default for which foreclosure is made is grantor's failure to pay the following sums: monthly instalment payments of \$170.21 since March, 1991, and each monthly instalment thereafter; taxes for the fiscal year 1991-1992, a lien due and payable in the sum of \$389.35; and prorated taxes due for 1992-1993 which have accrued during the pendency of this matter.

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: promissory note in the sum of \$13,000 with interest thereon at the rate of 9.5% on unpaid principle balance until paid, plus advances made by beneficiary pursuant to the terms of the trust deed, together with all taxes owed on account no. 3809 029CA 17000.

Notice hereby given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose 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 interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest the grantor or the grantor's successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said trust deed and the expenses of 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 o'clock, a.m., in accord with the standard of time established by ORS 187.110 on April 29, 1993, at the front

4759 Harlan Drive, Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for said sale.

Notice is further hereby 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.

By: Eileen Simpson, Trustee
Original Notice Dated: October 13, 1992

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Monte Countryman, as grantor, to Mountain Title Company of Klamath County, Eileen Simpson successor, as trustee, in favor of Eugene Edward Ferris and Nancy Jeanette Ferris, beneficiaries, dated February 19, 1991, recorded February 20, 1991, in the mortgage records of Klamath County, Oregon, in book/ reel/ volume No. M91 at page 3078, as microfilm, covering the following described real property situated in

3/25/93
said county and state, to-wit: Lot 9 in Block 19, FAIRVIEW ADDITION NO. 2, 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 beneficiary and no appointments of a successor trustee have been made, except as recorded in the mortgage records of the county 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 said trust deed.

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 provisions; the default for which foreclosure is made is grantor's failure to pay the following sums: monthly installment payments of \$170.21 since March, 1991, and each monthly installment thereafter; taxes for the fiscal year 1991-1992, a lien due and payable in the sum of \$389.35; and prorated taxes due for 1992-1993 which have accrued during the pendency of this matter.

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: promissory note in the sum of \$13,000 with interest thereon at the rate of 9.5% on unpaid principal balance until paid, plus advances made by beneficiary pursuant to the terms of the trust deed, together with all taxes owed on account no. 3809 029CA 17000.

Notice hereby given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose 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 interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest the grantor or the grantor's successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said trust deed and the expenses of 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 o'clock a.m., in accord with the standard of time established by ORS 187.110 on April 29, 1993, at the front yard of 4759 Harlan Drive, Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for said sale. Notice is further hereby 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.

By: Eileen Simpson, Trustee
Original Notice Dated: October 13, 1992
#5172 March 4, 11, 18, 25, 1993

STATE OF OREGON, ss.
County of Klamath

Filed for record at request of:

Kosta, Spencer, MacArthur

on this 29th day of April A.D., 19 93
at 2:37 o'clock P.M. and duly recorded
in Vol. M93 of Mortgage Page 9266.

Evelyn Biehn County Clerk

By Doreen Williamson

Deputy.

Fee, \$20.00