

## 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:

Richard C. Larson  
 1595 S. Dearborn Street  
 Aurora CO 80012

Dorrie Plotkin  
 11819 Firestone Blvd.  
 Norwalk CA 90650

Douglas Otto  
 331 LaVerne  
 Long Beach CA 90803

Clerk, United States District Ct.  
 Central District of California  
 312 North Spring Street, #G-8  
 Los Angeles CA 90012

Robert and Jill Porter  
 P.O. Box 275  
 Chiloquin, OR 97624

Jim Pugh  
 General Delivery  
 Chiloquin, OR 97624

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.

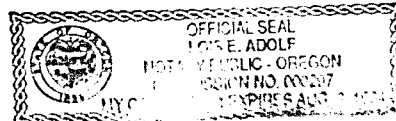
Each of the notices so mailed was certified to be true copy of the original notice of sale by RICHARD FAIRCLO, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States Post Office at Klamath Falls, Oregon, on August 6, 1993. 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 6<sup>th</sup> day of August, 1993.

*[Signature]*  
 Notary Public of Oregon  
 My Commission expires:

RICHARD FAIRCLO  
 ATTORNEY AT LAW  
 280 MAIN STREET  
 KLAMATH FALLS, OREGON 97601



ck  
 20.00

# TRUSTEE'S NOTICE OF SALE

19636

Reference is made to that certain trust deed made by RICHARD C. LARSON, as Grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as Trustee, in favor of JOHN KALITA, TRUSTEE OF THE J. KALITA LIVING TRUST DATED MAY 10, 1985, AND ELEANOR KALITA, TRUSTEE OF THE E.C. KALITA LIVING TRUST DATED MAY 10, 1985, as Beneficiary, dated February 21, 1986, recorded February 27, 1986, in the Microfilm Records of Klamath County, Oregon in Vol. M86, page 3315, and re-recorded on April 16, 1986, at Vol. M86 page 6501, Microfilm Records of Klamath County, Oregon, 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 of which the foreclosure is made is grantor's failure to pay when due the following sums:

Payments in the amount of \$650 due on April 1, 1993, and each month thereafter, plus interest in the amount of \$1,691.65, plus \$14.34 per diem from July 27, 1993, plus real estate taxes for the year 1991-92 in the amount of \$375.10 plus interest, real estate taxes for the year 1992-93, in the amount of \$966.66 plus interest, and the taxes for the fiscal year 1993-1994, a lien not yet due and payable; also insurance premium in the amount of \$276.00.

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:

\$53,326.74 plus interest in the amount of \$1,691.65, plus \$14.34 per diem from July 27, 1993, plus real estate taxes for the year 1991-92 in the amount of \$375.10 plus interest, real estate taxes for the year 1992-93, in the amount of \$966.66 plus interest, and the taxes for the fiscal year 1993-1994, a lien not yet due and payable; also insurance premium in the amount of \$276.00.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 14, 1993, 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 to 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 of 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 which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: 8/6/93

[Signature]  
Successor Trustee

RICHARD FAIRCLO  
ATTORNEY AT LAW  
280 MAIN STREET  
KLAMATH FALLS, OREGON 97601

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A tract of land situated in the SW1/4 of the NE1/4 of Section 35, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron rod on the East West centerline of said Section 35 from which the E1/4 corner of Section 35 bears North 89 degrees 04' 24" East, 1980.23 feet; thence North 00 degrees 43' 28" West 717.71 feet along an existing fence line to a 5/8 inch iron rod on the high left bank of Sprague River; thence continuing North 00 degrees 43' 28" W, 135 feet, more or less, to the thread of said Sprague River; thence upstream following the sinuosities of the thread of said Sprague River to a point on the East line of the SW1/4 of the NE1/4 of said Section 35; thence South 00 degrees 47' 48" West, 1265 feet along said East line to a point on the East-West centerline of said Section 35; thence South 89 degrees 04' 24" West, 696.59 feet to the point of beginning.

EXCEPTING THEREFROM the South 350.00 feet, and also excepting therefrom that portion of the above described parcel lying within the boundaries of the Chiloquin Ridge Road.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Richard Fairclo the 6th day  
of Aug. A.D., 19 93 at 3:50 o'clock P. M., and duly recorded in Vol. M93  
of Mortgages on Page 19635.

FEE \$20.00

Evelyn Biehn County Clerk

By Daniel Mulins