

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed from  
Robin Fryling, Grantor

TO

Thomas B. Wasson, Beneficiary

After recording return to:  
Kosta, Spencer, Runnels & MacArthur  
439 Pine Street  
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Scott D. MacArthur, 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:

Robin Fryling, 2805 Anderson, Klamath Falls, OR, 97603

Laura Jeanette Fryling, 2546 Tablerock Rd., Medford, OR 97501

Mark Trelease, 8923 Hope Street, Klamath Falls, OR 97603

Leo Avender, 12964 Overland Drive, Keno, OR 97627

Millard O. Ward (Sur-Save Auto Supply, Inc.) 919 Klamath Ave., Klamath  
Falls, OR 97601

Leo E. Bocchi (Discount Lumber) 4027 Miller Ave., Klamath Falls, OR 97603

Allan A. Cragmiles (South Valley State Bank) 5215 S. 6th Street, Klamath  
Falls, OR 97601

Nancy Nealy (Highland Community Federal Credit Union) 3737 Shasta Way,  
Klamath Falls, OR 97603

Internal Revenue Service, 1220 S.W. Third Avenue, Portland, OR 97204

David & Diane Williams (Attorney Neal Buchanan) 601 Main Street, Suite  
215, Klamath Falls, OR 97601

Oregon Department of Revenue, Medford District Office (Mary Jenkins) 24  
West Sixth, Medford, OR 97501-2705

Oregon Employment Division, 875 Union Street, N.E. Room 107, Salem, OR  
97311-0030

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 Scott D. MacArthur, 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 12, 1994, and December 12, 1994. 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.

*Scott D. MacArthur*

Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 19<sup>th</sup> day of Dec, 1994.



*Camille Krieger*  
Notary Public for Oregon

My commission expires 9-22-96

**AFFIDAVIT OF POSTING NOTICE OF SALE IN LIEU OF SERVICE**

38198

STATE OF OREGON, County of Klamath) ss.

I, Ted L. Lindow

, being first duly sworn, depose 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 18 years and not the beneficiary or his successor in interest name in the notice of sale given under the terms of that certain trust deed described in said notice.

I posted the Notice of Sale of the real property in the Notice of Sale posting said notice on the premises of Robin Fryling:

**NAME:** Robin Fryling

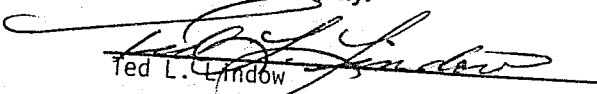
**ADDRESS:** 2805 Anderson, Klamath Falls, Or 97603

See Attached Exhibit "A"

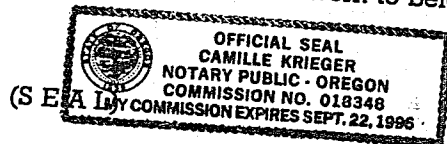
Tax Account No. 3909-015BB-00600 R-578618


Each of the notices so posted was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; and was posted by me on September 7, 1994. Each of said notices was posted after the Notice of Default and Election to Sell by the trustee was recorded and at least 90 days before the day fixed in said notice by the trustee for the trustee's sale.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

  
Ted L. Lindow

Subscribed and sworn to before me this 8<sup>th</sup> day of September, 1994.



  
Camille Krieger  
Notary Public for Oregon

My Commission Expires: 9-22-96

**CERTIFICATE OF POSTING**

STATE OF OREGON, County of Klamath) ss.

I certify that the within instrument received for recording 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 Deeds of said County.

Witness my hand and seal of County affixed.

Name \_\_\_\_\_

Title \_\_\_\_\_

By \_\_\_\_\_

Deputy \_\_\_\_\_

After Recording return to:  
Kosta, Spencer, Runnels & MacArthur  
~~439 Pine Street~~ 419 Main  
Klamath Falls, OR 97601

# Affidavit of Publication

38199

## STATE OF OREGON, COUNTY OF KLAMATH

I, Sarah Parsons, Office Manager,  
being first duly sworn, depose and say  
that I am the principal clerk of the  
publisher of the Herald and News  
a newspaper of general circulation, as  
defined by Chapter 193 ORS, printed and  
published at Klamath Falls in the  
aforesaid county and state; that the \_\_\_\_\_

LEGAL #6825

NOTICE OF DEFAULT AND ELECTION TO SE

ROBIN FRYLING/THOMAS B WASSON

a printed copy of which is hereto  
annexed, was published in the entire  
issue of said newspaper for \_\_\_\_\_

FOUR

( 4 insertions) in the following issues:

OCTOBER 12, 19, 26, 1994

NOVEMBER 2, 1994

Total Cost: \$581.44

*Sarah L. Parsons*

Subscribed and sworn to before me this 2ND

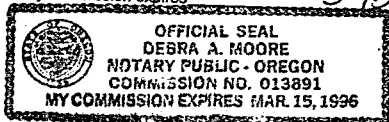
day of NOVEMBER 19 94

*Debra A Moore*

Notary Public of Oregon

3-15 19 96

My commission expires



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Scott D. MacArthur  
of Dec A.D., 19 94 at 10:27 o'clock A M., and duly recorded in Vol. M94  
of Mortgages on Page 38196

FEE \$25.00

Ret: Scott MacArthur, 419 Main St

Evelyn Biehn

By *Debra A Moore* County Clerk

### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Robin Fryling, as grantor, to Mountain Title Company of Klamath County, as trustee, in favor of Thomas B. Wasson, Beneficiary, dated May 31, 1991, recorded June 18, 1991, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M91 at page 11614, covering the following described real property situated in said county and state, to-wit:

### EXHIBIT "A" LEGAL DESCRIPTION

That portion of Tract 5 of SUBDIVISIONS OF TRACTS 25 to 32, inclusive, TOGETHER WITH THE SOUTH 10 FEET OF TRACTS 33 and 34 of ALTAMONT RANCH TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. Beginning at the South west corner of said Tract 5; thence Easterly along the Southerly boundary line of said Tract 5 a distance of 85 feet; thence Northerly in a line parallel to and 85 feet from the West boundary line of Tract 5 a distance 135 feet; thence Westerly on a line parallel to and 135 feet from the Southerly boundary line of Tract 5 a distance of 85 feet to the West boundary line of Tract 5; thence in a Southerly direction along with West boundary line a distance of 135 feet to the point of beginning.

Subject to an easement for road purposes over the Easterly 9 feet.

Both 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 Section 86.735(3) of Oregon Revised Statutes. The Default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Payments in the amount of \$224.00 per month from April 1994 through the present plus late charges in the amount of \$25.00 to Klamath First Federal Savings and Loan.

Payments in the amount of \$100.00 per month for August, September and November 1992; January, March, April, June, July, September, October and December 1993 and January 1994 through present.

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: \$3,367.80 as of July 28, 1994 plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 19, 1994, at the hour of 10 a.m. standard time as established by 187.110 Oregon Revised Statutes at 439 Pine 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 grantors had or had power to convey at the time of the execution by him of the said trust deed, to satisfy the foregoing obligations thereby secured and the costs of their successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations hereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. 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 save this foreclosure proceeding dis-

missed and if trust deed reinstated, 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 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 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: October 6, 1994  
Scott D. MacArthur  
Successor Trustee  
#6825 October 12, 19, 26,  
1994 November 2, 1994