

96199

ATC #04042554
AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

5813

Vol. 195 Page

STATE OF OREGON, County of KLAMATHI, JERRY M. MOLATORE

, ss:

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:

NAME

ADDRESS

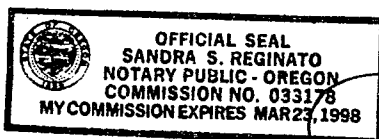
SEE ATTACHED EXHIBIT "A" "B"

THIS DOCUMENT IS BEING RE-RECORDED FOR THE PURPOSE OF ADDING EXHIBIT "B" WHICH WAS INADVERTANTLY OMITTED.

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 JERRY M. MOLATORE, 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 MARCH 14, 1995. 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.



Subscribed and sworn to before me on March 14, 1995

Sandra S. Reginato
 Notary Public for Oregon. My commission expires 03/23/98

**AFFIDAVIT OF MAILING TRUSTEE'S
 NOTICE OF SALE**

RE: Trust Deed from

ANTONIO F. TORQUATO, SR

Grantor

TO
ASPEN TITLE & ESCROW
525 MAIN STREET

Trustee

AFTER RECORDING RETURN TO

JERRY M. MOLATORE
426 MAIN STREET
KLAMATH FALLS OR 97601

(DON'T USE THIS
 SPACE: RESERVED
 FOR RECORDING
 LABEL IN COUN-
 TIES WHERE
 USED.)

STATE OF OREGON,

County of _____ ss.

I certify that the within instrument was received for record on the _____ day of _____ at _____ o'clock _____ M., and recorded in book/roll/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

Reference is made to that certain trust deed made by ANTONIO F. TROQUATO, SR

ASPEN TITLE & ESCRWO _____, as grantor, to
 in favor of DAVID DAVENPORT and GINA L. DAVENPORT _____, as trustee,
 dated OCTOBER 15 _____, 1992, recorded OCTOBER 30 _____, 1992, in the mortgage records of
KLAMATH _____ County, Oregon, in book/reel/volume No. M92 _____ at page 25754 _____, or
 as/tee/file/instrument/handwritten/reception No. _____ (indicate which), covering the following described real
 property situated in said county and state, to-wit:

ATTACHED HERewith 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:

MONTHLY PAYMENTS OF \$224.88 DUE ON THE 15TH DAY OF MARCH
 1994 AND EACH MONTH THEREAFTER.

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: \$18,886.28

WHEREFORE, notice hereby is given that the undersigned trustee will on AUGUST 16 _____, 1995,
 at the hour of 10:00 _____ o'clock, A.M., in accord with the standard of time established by ORS 187.110, at
426 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 required under the obligation or trust deed, and in addition to paying said sums or tendering the per-
 formance 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 3-14 _____, 1995

JERRY M. MOLATORE

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.

[Signature]
 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.

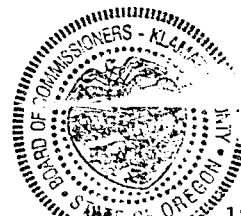
SERVE: _____

EXHIBIT "A"

The West 76 feet of Lot 9, Block 218, MILLS SECOND ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Northwesterly corner of said Lot 9 and running; thence South 3 1/2 feet to the Southwesterly corner of said Lot on the Northerly line of South Sixth Street in said City of Klamath Falls; thence Southeasterly along the Southerly line of said Lot 9, 76 feet; thence Northeasterly 49.2 feet, more or less, to a point in the North line of said Lot 9, 76 feet East of the place of beginning; thence West to the place of beginning. SAVE AND EXCEPTING the following: Beginning at the intersection of the existing right of way of the Klamath Falls-Lakeview Highway and the East line of the West 76 feet of Lot 9, Block 218, Mills Second Addition to the City of Klamath Falls, Oregon, said intersection being 76.03 feet Southeasterly from the intersection of said right of way line and the East line of Martin Street; thence North 15 degrees 35' East along said East line of said property a distance of 9.34 feet to a point opposite and 40 feet from Station 65/05.04; thence parallel to the relocated center line of said Highway North 55 degrees 50' 30" West a distance of 66.63 feet to the North line of said Lot 9; thence South 89 degrees 23' 30" West along said North line a distance of 10.25 feet to the Northwesterly corner of said Lot 9; thence South 0 degrees 30' 30" East along the West line of said Lot 9 a distance of 3.50 feet to the said Northerly right of way line; thence South 55 degrees 44' 45" East along said right of way line a distance of 76.03 feet to the point of beginning. TOGETHER WITH the right, privilege and easement to extend and maintain the slopes of cuts and/or fills for a distance of 10 feet measured at right angles to the highway center line upon the adjoining and abutting property.

CODE 1 MAP 3809-33DC TL 17200



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co
of March A.D., 19 95 at 11:23 o'clock A M., and duly recorded in Vol. M95
of Mortgages on Page 5813

FEE \$20.00

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Bernetha G. Letsch, County Clerk
By Suzette Hesteg

EXHIBIT "B"

Robin T.L. Fryling
2805 Anderson
Klamath Falls, Oregon 97603

Laura Jeanette Fryling
2546 Table Rock Road
Medford, Oregon 97501

Environmental Recycling of Klamath Falls
dba Discount Lumber
4027 South Sixth Street
Klamath Falls, Oregon 97601

Sur-Save Auto Supply
919 Klamath Avenue
Klamath Falls, Oregon 97601

South Valley State Bank
5215 South Sixth Street
Klamath Falls, Oregon 97603

Highland Community Federal Credit Union
3737 Shasta Way
Klamath Falls, Oregon 97603

Oregon Employment Department
875 Union N.E.
Salem, Oregon 97310

Internal Revenue Service
Special Assets Department
Room 3550
Portland, Oregon 97208

Oregon Department of Revenue
P.O. Box 14800
Salem, Oregon 97310

David and Diane Williams
5820 Hwy 39
Klamath Falls, Oregon 97603

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 24th day
of Aug A.D., 19 95 at 11:12 o'clock A M., and duly recorded in Vol. M95,
of Mortgages on Page 22812.

FEE \$20.00

By Bernetha G. Letsch County Clerk
[Signature]