

ASPEN 04043625/F

13250

96 FEB 12 AM 11:35

Vol. 1996 Page - 3986

STATE OF OREGON, County of Klamath

I, ANDREW A. PATTERSON, 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
RICHARD BARNETT

ADDRESS
9584 WRIGHT LANE
BROWNSVILLE, CALIFORNIA 95919

RICHARD BARNETT

P.O. BOX 452
BONANZA, OREGON 97623

PRAIRIE ROSE LAND & CATTLE COMPANY

HCR4 BOX 43044
ALTURUS, CALIFORNIA 96101

FEB 12 AM 11:35

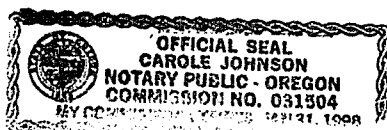
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or 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 ANDREW A. PATTERSON, 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 SEPTEMBER 12, 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 SEPTEMBER 12, 1995

Notary Public for Oregon. My commission expires 1-31-98



AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Grantor

TO

Trustee

AFTER RECORDING RETURN TO
ASPEN TITLE & ESCROW, INC
ATTN: FORECLOSURE DEPARTMENT

(DON'T USE THIS SPACE; RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

STATE OF OREGON,
County of } ss.

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

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

ON

TRUSTEE'S NOTICE OF SALE

3987



Reference is made to that certain trust deed made by
HARD, BARNETT

RICHARD BARNETT

ASPEN TITLE & ESCROW, INC.

, as grantor, to

in favor of WILLIAM C. POOLE

....., as trustee,

dated NOVEMBER 28, 19 94, ***recorded*** DECEMBER 13

as beneficiary,

....., 19....., recorded DECEMBER 13
 Klamath..... County, Oregon, in book/heet/entry No M94

.., 19..94.., in the mortgage records of

as fee/~~XXXXXX~~/XXXXXX/XXXXXX/XXXXXX No. 92404 (indicate which) _____ at page 37696

at page 37696 or

_____ (indicate which), covering the following described real property situated in said county and state, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF AS THOUGH FULLY SET FORTH HEREIN.....

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: Balance of monthly installments of not less than \$500.00 a month due for the months of June, July and August of 1995; and subsequent amounts for assessments due under the terms and provisions of the Note and Trust Deed.

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: \$61,600.00 plus interest and late charges, thereon from June, July and August of 1995 at the rate of NINE (9.0%) PERCENT PER ANNUM until paid and all sums expended by the Beneficiary pursuant to the terms and provisions of the Note and Trust Deed; any and all property taxes owing.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 19, 1996, at the hour of 11:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at FRONT ENTRY TO ASPEN TITLE & ESCROW, INC LOCATED AT 525 MAIN STREET in the City of VIAMATH, EAL.

in the City of KLAMATH FALLS, County of OREGON, 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 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.

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 23....., 19 95..

Andrew A. Allen

Trustee

State of Oregon, County of KLAMATH ss:

I, the undersigned, certify that I am the ~~UNOFFICIAL COPY OF THE ORIGINAL~~ NOTARY PUBLIC for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

~~XXXXXXXXXXXXXXXXXXXX~~ **XXXXXXXXXXXX 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"

PARCEL 1

The S $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28, Township 38 South, Range 13 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PARCEL 2

The S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 33, Township 38 South, Range 13 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

Code 36 Map 3813 TL 3000

Code 36 Map 3813 TL 3100

Code 36 Map 3813 TL 3200

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co the 12th day
of Feb A.D., 19 96 at 11:35 o'clock A M., and duly recorded in Vol. M96,
of Mortgages on Page 3986.

Bernetha G. Letsch, County Clerk

FEE \$20.00

By

Randene Mendenhall