

33377

K-49872 Vol. M97 Page 5577

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Josephine, ss:

I, THOMAS M. KEARNEY

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:

- | NAME | ADDRESS |
|---|---------|
| 1) JACK LUOMA, P. O. Box 344, Klamath Falls OR 97601 | |
| 2) DELILAH M. LUOMA, P. O. Box 344, Klamath Falls OR 97601 | |
| 3) KLAMATH FALLS CITY ATTORNEY, 500 Klamath Ave, Klamath Falls OR 97601 | |
| 4) PAYCO GENERAL, c/o American Credit, 10700 SW Beaverton Hillsdale HWY Suite 455, Beaverton OR 97005 | |
| 5) EQUIFAX RISK, c/o Management Services, 921 SW Washington, Suite 816 Portland, OR 97205 | |
| 6) RAY KLEIN, c/o Jeffrey I. Hasson, Attorney, 7931 NE Halsey St, Suite 302, Portland 97213 | |

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.*

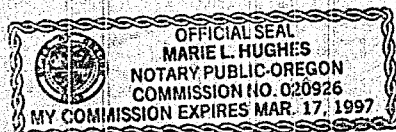
Each of the notices so mailed was certified to be a true copy of the original notice of sale by.....

THOMAS M. KEARNEY

....., 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 Grants Pass, Oregon, on October 29, 1996. 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.

Thomas M. Kearney



Subscribed and sworn to before me on October 29, 1996

Marie L. Hughes

Notary Public for Oregon. My commission expires 03-17-97

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

JACK & DELILAH LUOMA

Grantor

TO
JOSEPHINE-CRATER TITLE
COMPANIES INC.

Trustee

AFTER RECORDING RETURN TO
Brown, Hughes, Bird, Lane & Rote
Attorney's at Law
P.O. Box 1249
Grants Pass, Or 97526

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

STATE OF OREGON,

County of

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.

By NAME TITLE Deputy

TRUSTEE'S NOTICE OF SALE

NOTICE is hereby given that the obligation secured by the trust deed described herein is in default, and that the beneficiary has elected to foreclose the trust deed pursuant to ORS 86.705 to 86.795. No action is now pending to recover any part of the debt secured by the trust deed.

Information required by ORS 86.735 and ORS 86.745 is as follows:

1. Grantor: **JACK LUOMA and DELILAH M. LUOMA**

Trustee: **JOSEPHINE-CRATER TITLE COMPANIES, INC.**

Successor Trustee: **THOMAS M. KEARNEY**

Beneficiary: **FLOYD A. McCURDY**

2. Property covered by the trust deed: Lot 542 and the West half of Lot 541 in Block 127, MILLS ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. (Account No. 3809-33AD-16300; Key No. 452622)

Property Address:
2447 DARROW AVENUE
KLAMATH FALLS, OREGON

3. The trust deed was dated February 10, 1995, and recorded on February 15, 1995, in Volume M95, Pages 3414-3416, Official Records of Klamath County, Oregon, and rerecorded on April 17, 1995, in Volume M95, Pages 9573-9575, Official Records of Klamath County, Oregon.

4. Default for which foreclosure is made is failure to pay the following:

- (a) Monthly payments of \$556.36 each commencing 07/06/96 and thereafter.
- (b) Late payment penalty charge of 5% of the payment amount for any payment made after 15 days from due date.
- (c) 1995-96 delinquent real property taxes, plus interest thereon.

5. The sums owing on the obligation secured by the trust deed is:

(a) The principal sum of \$43,838.67, with interest thereon at the rate of 15.000 percent per annum beginning 06/04/96 until paid.

(b) Unpaid interest in the amount of \$7.36.

(c) Late payment penalty charge of 5% of the payment amount for any payment made after 15 days from due date.

(d) 1995-96 real property taxes, plus interest thereon.

(e) Title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and beneficiary's interest therein.

6. The beneficiary has and does elect to sell the property to satisfy the obligation. A Notice of default was recorded on October 25, 1996, in Volume M96, Pages 33825-33827, Official Records of Klamath County, Oregon.

7. The property will be sold in the manner prescribed by law on March 19, 1997, at 10:00 o'clock, A.M., standard time as established by ORS 187.110, at the front steps of the Klamath County Courthouse, City of Klamath Falls, Oregon.

8. Interested persons are notified of the right under ORS 86.753 to have this 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, together with costs, trustee's and attorney's fees, and by curing any other default complained of in this notice, at any time prior to five (5) days before the date the successor trustee conducts the sale.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

DATED this 28th day of October, 1996.


SUCCESSOR TRUSTEE

STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 25th day
of February A.D., 19 97 at 2:13 o'clock P M., and duly recorded in Vol. M97
of Mortgages on Page 5577

Bernetha G. Letsch, County Clerk

FEE \$20.00

by Kathleen Rios

TRUSTEE'S NOTICE FOR SALE