

35084

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

Vol. 1997 Page 9083

STATE OF OREGON, County of Multnomah) ss: K-49995

I, Molly M. Luoto, 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:

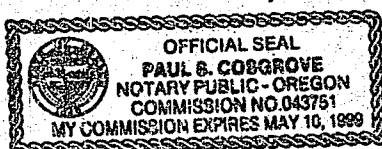
NAME

ADDRESS

SEE ATTACHED EXHIBIT A.

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 Molly M. Luoto, 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 Portland, Oregon, on November 19, 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.



Molly M. Luoto

Subscribed and sworn to before me on November 22, 1996.

Paul S. Cosgrove

Notary Public for Oregon.

My commission expires 5/10/99

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from
Steve M. Moss

Granter

to

Klamath County Title

Trustee

AFTER RECORDING RETURN TO

Paul S. Cosgrove
Lindsay, Hart, Neil & Weigler, LLP
Suite 3400, 1300 S.W. Fifth Avenue
Portland, OR 97201-5696

(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 _____, 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

97 MAR 28 AM 33

65009-0037

Exhibit A

Occupants

5020 Shasta Way
Klamath Falls, OR 97603

Steven M. Moss
420 Walnut
Klamath Falls, OR 97603

Vieva D. Moss
5020 Shasta Way
Klamath Falls, OR 97603

WP Finance Company
c/o CT Corporation System
520 SW Yamhill, Suite 800
Portland, OR 97204

Michael Ratliff
Parks & Ratliff
228 N. 7th
Klamath Falls, OR 97601

Robert S. Hamilton
deSchweinitz & Hamilton
220 Laurel Street
Medford, OR 97501

On November 26, 1996, an additional mailing of the Trustee's Notice of Sale was made as follows:

Vieva D. Moss
6896 Hemlock St.
Redding, CA 96001-5357

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Steve M. Moss and Viera Moss, as grantor, to Klamath County Title, as trustee, in favor of Associates Financial Services Company of Oregon, Inc., as beneficiary, dated September 23, 1994, recorded September 29, 1994, in the mortgage records of Klamath County, Oregon, in volume No. M94 at page 30543 covering the following described real property situated in said county and state, to-wit:

The East 1/2 of Lots 16 and 17, YALTA GARDENS, according to the official plat thereof on file with the office of County Clerk of Klamath County, State of Oregon.

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:

May 1996 through and including November 1996, for a total of \$6,707.47, plus real property taxes due for 1994-95 and 1995-96, and that portion of real property taxes for 1996-97 that are due as of this date.

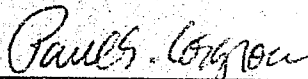
By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit:

As of May 15, 1996, the principal sum of \$ 68,367.81 plus interest thereafter; plus any sums advanced by beneficiary or beneficiary's successor in interest for the protection of the above-described real property, plus attorney and trustee's fees incurred by reason of said default.

WHEREFORE, notice hereby is given that the undersigned trustee will on Thursday, April 3, 1997, at the hour of 10:00 a.m., in accord with the standard of time established by ORS 187.110, at front entrance to Klamath County Courthouse Annex, 305 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 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, 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. The Federal Fair Debt Collection Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.

DATED November 15, 1996.



Paul S. Cosgrove, Successor Trustee

State of Oregon, County of Multnomah) ss:

I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale.

For said Trustee

KLAMATH COUNTY SHERIFF'S OFFICE - RETURN OF SERVICE

State of Oregon)
County of Klamath)

Court Case No. 151076
Sheriff's Case No. 96-03441

Received for Service 11/22/96

I hereby certify that I received for service
the within:

TRUSTEE'S NOTICE OF SALE

Further I certify that on 11/25/96, after personal inspection, I
found the following described real property to be unoccupied:

5020 SHASTA WAY
KLAMATH FALLS, OREGON , Oregon.

All search and service was made within Klamath County, State of
Oregon.

Carl R. Burkhardt, Sheriff
Klamath County, Oregon

BY Terri Alexander
ALEXANDER, TERRI L

Copy to:

SERVICE, INC. NATIONWIDE PROCESS
1201 SW 1TH AVE # 222
PORTLAND OR 97205

STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title the 28th day
of March A.D. 19 97 at 11:33 o'clock A. M., and duly recorded in Vol. M97
of Mortgages on Page 9083

FEE \$25.00

Bernetha G. Leisch, County Clerk
by Kathleen Rose