

37009

K-50144

TRUSTEE'S NOTICE OF SALE

Vol. 1177 Page 13399

Reference is made to that certain trust deed made by David S. Downing, a married man, as grantor, to First American Title Insurance Company of Oregon, as trustee, in favor of Directors Mortgage Loan Corporation, as beneficiary, dated December 29, 1994, recorded December 23, 1994, in the mortgage records of Klamath County, Oregon, in Volume M94, Page 38740, covering the following described real property situated in said county and state, to wit:

LOT 4, BLOCK 3, CASCADE PARK, IN THE COUNTY OF KLAMATH, STATE OF OREGON

PROPERTY ADDRESS: 3471 Hope Street, Klamath Falls, Oregon 97603

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 \$761.00 beginning 09/01/96; plus late charges of \$30.60 each month beginning 09/16/96; together with 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 its interest therein.

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: \$78,623.66 with interest thereon at the rate of 8.50 percent per annum beginning 08/01/96; plus late charges of \$30.60 each month beginning 09/16/96 until paid; together with title expense, costs, trustee's fees and attorneys 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 its interest therein.

WHEREFORE, notice hereby is given that the undersigned trustee will on Friday, May 2, 1997 at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at the following place: the office of Brandsness, Brandsness & Rudd, PC, 411 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 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.

Return: Donna Findlay
Preston Gates & Ellis
5000 Columbia Center, 701 Fifth Avenue
Seattle, WA 98104

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

13400

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 December 27, 1986

Lucy E. Kivel
Lucy E. Kivel -- Trustee

For further information, please contact:

Donna Findlay
Preston Gates & Ellis
5000 Columbia Center, 701 Fifth Avenue
Seattle, WA 98104
(206) 623-7580

State of Oregon, County of Multnomah ss:

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

Lucy E. Kivel -- Trustee

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

134C1

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, 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 Washington, 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 address, to-wit:

NAME	ADDRESS
David B. Downing	3471 Hope Street Klamath Falls, Oregon 97603
Occupants	3471 Hope Street Klamath Falls, Oregon 97603
Household Finance Corporation	511 Lamont Road Elmhurst, IL 60126
Household Finance Corporation	c/o CF Corporation System, Registered Agent 520 SW Yamhill Portland, Oregon 97204

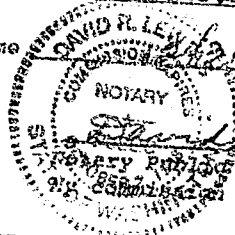
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or 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 LUCY E. KIVEL, 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 Seattle, Washington, on 12-31-76. 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.

13402

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 _____, 1996.



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

Downing
Loan no. 3474316,

Grantor

TO

Lacy E. Kivel
Matter no. 17183-40157,
Trustee

After recording return to:
Donna Findlay
PRESTON GATES & ELLIS
5600 COLUMBIA CENTER, 701 FIFTH AVENUE
SEATTLE, WA 98104

PROOF OF SERVICE

STATE OF OREGON)

13403

County of Klamath) ss.

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, nor the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale certified to be such by the attorney for the trustee or successor trustee, upon the OCCUPANTS at the following address:

3471 HOPE STREET, KLAMATH FALLS, OREGON 97603, as follows:

Personal service upon TANYA DOWNING by delivering said true copy, personally and in person, at the above address on 1/1 1997 at 8:45 PM m.

Personal service upon _____ by delivering said true copy, personally and in person, at the above address on _____ 199 at _____ m.

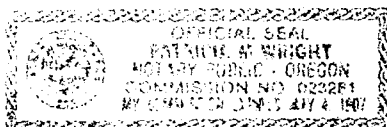
Substitute service upon DAVID DOWNING by delivering said true copy, at his/her usual place of abode as indicated above, to TANYA DOWNING who is a person over the age of 14 years and a member of the household on 1/1/97 199 at 8:45 PM m.

Substitute service upon _____ by delivering said true copy, at his/her usual place of abode as indicated above, to _____ who is a person over the age of 14 years and a member of the household on _____ 199 at _____ m.

I declare under the penalty of perjury that the above statement is true and correct.

Kathleen Shaffer
Kathleen Shaffer 191680

SUBSCRIBED AND SWORN to before me this 6 day of JANUARY 1997.



[Signature]
Notary Public for Oregon

13404

CERTIFICATE OF MAILING

STATE OF OREGON)

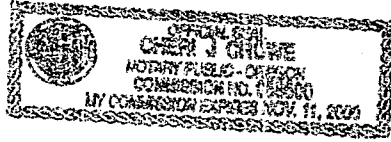
County of Multnomah) ss.

I, Sophie C. Butler, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On January 2, 1997, I mailed a true copy of the Trustee's Notice of Sale, by First Class Mail, postage pre-paid, together with a statement of the date, and place at which substitute service was made upon David Downing at 3471 Hope Street, Klamath Falls, Oregon 97603, on January 1, 1997.

Sophie C. Butler
Sophie C. Butler

151680

SUBSCRIBED AND SWORN TO BEFORE ME this 2nd day of January, 1997.



Cheri J. Gholwe
NOTARY PUBLIC FOR OREGON

NATIONWIDE PROCESS SERVICE, INC.
222 CENTURY TOWER
1201 S.W. 12TH AVENUE
PORTLAND, OREGON 97205
(503) 241-0636

