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MTC 40860

Vol. 1197 Page 26213

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

'97 AUG 11 AM 10:05

STATE OF WASHINGTON )  
 )ss:  
 County of KING )

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                                   |
|-----------------|---|
| William Parsons | 4774 Alva Avenue, Klamath Falls, OR 97603 |
| Jeanene Parsons | 4774 Alva Avenue, Klamath Falls, OR 97603 |
| William Parsons | P.O. Box JD, Klamath Falls, OR 97602-1204 |
| Jeanene Parsons | P.O. Box JD, Klamath Falls, OR 97602-1204 |

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 DAVID E. FENNELL, 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 Bellevue, Washington, on 4/7/97. 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 47, 1997, by Todd AT Teberry.



Deborah S. Mendenhall  
 Notary Public for Washington  
 Residing at Seattle  
 My commission expires: 8-29-00

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE****RE: Trust Deed from****William K. Parsons and Jeanene A. Parsons,  
husband and wife****Grantor****to****DAVID E. FENNELL****Trustee****File No. 7003.202256****After recording return to:****ROUTH CRABTREE & FENNELL  
1750 - 112TH AVENUE NE, SUITE D-151  
BELLEVUE, WA 98004**

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by William K. Parsons and Jeanene A. Parsons, husband and wife, as grantor, to Mountain Title Company of Klamath County, as trustee, in favor of Empire of America Realty Credit Corp., a New York corporation as beneficiary, dated January 22, 1993, recorded February 2, 1993, in the mortgage records of Klamath County, Oregon, in M93, page 2334, which beneficial interest was assigned in instrument dated May 31, 1993 and recorded February 9, 1994, in volume M94, page 4499, records of Klamath County, Oregon to GE Capital Mortgage Service, Inc., covering the following described real property situated in said county and state, to wit:

Lot 53 of Pleasant Home Tracts, According to the Official Plat Thereof on File in the Office of the County Clerk of Klamath County, Oregon

PROPERTY ADDRESS: 4774 Alva Avenue, Klamath Falls, Oregon 97603


Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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 \$409.84 beginning 11/1/96; plus late charges of \$16.17 each month beginning 11/15/96; plus servicer advances of \$195.80; 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 the trust deed immediately due and payable, said sums being the following, to wit: \$41,193.39 with interest thereon at the rate of 8.375% percent per annum beginning 10/1/96; plus late charges of \$16.17 each month beginning 11/15/96 until paid; plus servicer advances of \$195.80; 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 August 15, 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: in the main lobby of the Klamath County Courthouse at 316 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 the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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.

26216  
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 April 1, 1997



\_\_\_\_\_  
David E. Fennell -- Trustee

For further information, please contact:

Linda Jansen  
ROUTH CRABTREE & FENNELL  
1750 - 112TH AVENUE NE, SUITE D-151  
BELLEVUE, WA 98004  
(206) 453-5055

State of Washington,       )  
  ) ss.  
County of King               )

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

\_\_\_\_\_  
David E. Fennell -- Trustee

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



# PROOF OF SERVICE

26218

STATE OF OREGON )  
 ) ss.  
County of KLAMATH )

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, not 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, upon the **OCCUPANTS** at the following address:

**4774 ALVA AVENUE, KLAMATH FALLS, OREGON 97603**, as follows:


Personal service upon KLAINIE BROWN, by delivering said true copy, personally and in person, at the above address on 4/17, 1997 at 2:00 P.m.

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

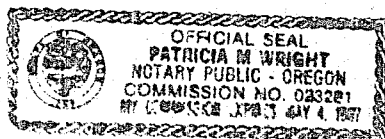
Substitute service upon JANEANE PARSONS, by delivering said true copy, at his/her usual place of abode as indicated above, to KLAINIE BROWN who is a person over the age of 14 years and a member of the household on 4/17, 1997 at 2:00 P.m.

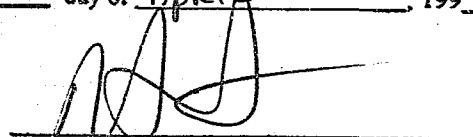
Substitute service upon \_\_\_\_\_, by delivering said true copy, at his/her usual place of abode as indicated above, to \_\_\_\_\_ who is a person over the age of 14 years and a member of the household on \_\_\_\_\_, 199\_\_ at \_\_\_\_:\_\_\_\_.m.

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

  
Dennis Gates 153537

SUBSCRIBED AND SWORN to before me this 21 day of April, 1997.



  
Notary Public for Oregon

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

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle the 11th day of August A.D., 19 97 at 11:05 o'clock A. M., and duly recorded in Vol. M97 of Mortgages on Page 26213.

FEE \$35.00

By Bernetha G. Letsch, County Clerk  
Kathleen Ross