

49343

MTC 97 418-71 All:44

Vol 1997 Page 39112
AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

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:

Charles M. LaBuwi
2040 Del Moro Street
Klamath Falls, OR 97601-1807Diane K. LaBuwi
2040 Del Moro Street
Klamath Falls, OR 97601Charles M. LaBuwi
1781 Quail Ridge Drive
Klamath Falls, OR 97601-1584Diane L. LaBuwi
1987 Van Ness
Klamath Falls, OR 97601-1584U.S. National Bank of Oregon
501 SE Hawthorne Blvd. #301
Portland, OR 97208Karla J. Knieps, Atty.
706 Main Street
Klamath Falls, OR 97601Gary L. Hedlund, Atty.
303 Pine Street
Klamath Falls, OR 97601U.S. National Bank of Oregon
Retail Finance Center
PO Box 3176
Portland, OR 97208-3176Charles M. LaBuwi
429 N. 4th Street
Klamath Falls, OR 97601

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 7-24-97. 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 7-24, 1997, by Steve MeyerDeborah 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

LaBuwi, Charles M.
Grantorto
DAVID E. FENNELL

Trustee

File No. 7000.20791

After recording return to:

ROUTH CRABTREE & FENNELL
Attn: Linda Jansen
PO Box 4143
Bellevue, WA 98009-4143

30

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Charles M. LaBuwi, as grantor, to U.S. Bank of Washington, National Association, as trustee, in favor of U.S. Bancorp Mortgage Company, as beneficiary, dated 1/5/93, recorded 1/29/93, in the mortgage records of Klamath County, Oregon, in Volume M93, Page 2141, and subsequently assigned to Source One Mortgage Services Corporation by Assignment recorded as Vol. M94, Page 21090, covering the following described real property situated in said county and state, to wit:

Lots 7 and 8 in Block 38, Hillside Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

PROPERTY ADDRESS: 2040 Del Moro Street
Klamath Falls, OR 97601-1807

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 \$891.90 beginning 3/1/97; plus late charges of \$35.06 each month beginning 3/16/97; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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: \$62,160.50 with interest thereon at the rate of 7.75 percent per annum beginning 2/1/97; plus late charges of \$35.06 each month beginning 3/16/97 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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 12/5/97 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: inside the main lobby of the Klamath County Courthouse, 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 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.

39114

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 7/21/, 19 97



David E. Fennell -- Trustee

For further information, please contact:

Linda Jansen
ROUTH CRABTREE & FENNELL
PO Box 4143
Bellevue, WA 98009-4143
(425) 453-5055

State of Washington, County of King) ss:

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

AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON

39115

County of KLAMATH

I, JOHN TUNGATE, being first duly sworn, depose and say: That I am, and have been at all material times hereto, a competent person over the age of eighteen years and a resident of JACKSON county, State of Oregon. I am not a party to, an attorney in, or interested in any suit or action involving the property described below.

That on the 1st day of AUGUST, 1997, after personal inspection, I found the following described real property to be unoccupied:

Lots 7 and 8 in Block 38, Hillside Addition to the city of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

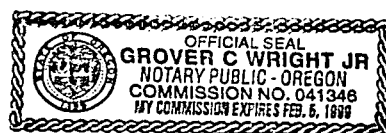
Commonly described as: (street address) 2040 DEL MORO ST

KLAMATH FALLS OR 97601

John M Tungate

156056

SUBSCRIBED AND SWORN to before me this 4th day of AUGUST, 1997



[Signature]
NOTARY PUBLIC FOR OREGON
My commission expires: 2/5/99

I, Julie Hughes, Office Manager,
being first duly sworn, depose and say
that I am the principal clerk of the
publisher of the Herald and News
a newspaper in general circulation, as
defined by Chapter 193 ORS, printed and
published at Klamath Falls in the
aforesaid county and state; that the

TRUSTEE'S NOTICE.....

(4) insertion(s) in the following issues:

NOVEMBER 6, 1997

Subscribed and sworn before me this 6TH

day of NOVEMBER, 1997

Debra A. Stubbs
Notary Public of Oregon

My commission expires 3-15 20 00



STATE OF OREGON: COUNTY OF KLAMATH: ss.

STATE OF OREGON: COUNTY OF CLATSOP: 10.

Filed for record at request of Amerititle the 1st day
of December A.D., 19 97 at 11:44 o'clock A.M., and duly recorded in Vol. M97,
of _____ of Mortgages on Page 39112.
Bernaetha G. Letsch, County Clerk

FEE \$30.00

on Page 39112.
By Bernetha G. Letsch, County Clerk
Kathleen Rose

TRUSTEE'S NOTICE OF SALE
Reference is made to a deed made 10/1/70, by certain trust deed made by Charles M. Labuwi, grantor, to U.S. Bank of Washington National Association as trustee, in favor of U.S. Bancorp Mortgage Company, as beneficiary, dated 1/5/93, recorded 1/29/93, in the mortgage records of Klamath County, Oregon, in Volume M93, Page 2111, and subsequently assigned to Source One Mortgage Services Corporation by Assignment recorded as Vol. M94, Page 21090, covering the following described real property situated in said county and state, to wit:
Lots 15 and 16 in Block 38, Hillside Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.
PROPERTY ADDRESS: 2040 Del Norte Street, Klamath Falls, OR 97601-1807
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 \$891.00 beginning 3/1/97; plus late charges of \$35.06 each month beginning 3/16/97; plus prior accrued late charges of \$1.00; plus advances of \$0.00; 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 thereon.
By reason of said default, the beneficiary has declared its election to satisfy the obligation secured by the trust deed immediately due and payable, said sums being the following: to wit: \$62,160.50 with interest thereon at a rate of 7 1/2 percent per annum beginning 2/4/97; plus late charges of \$35.06 each month beginning 3/16/97 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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.
W H E R E F O R E, the undersigned as trustee will on 12/5/97 at the hour of 10:00 o'clock A.M. in accordance with the performance of time established by said trust deed, and the following place: inside the main lobby of Klamath County Courthouse, 316 Main, 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 by the trust deed reinstated by payment of the costs and expenses (other than such principal or interest as would not have been 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 that the undersigned any successor in interest to the grantor as well as any other person owing an obligation, the standard of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.
DATED: 7/21/97
David E. Fennell, Trustee
For further information, please contact:
Linda Jansen
ROUTH CRABTREE & FENNELL
PO Box 4143
Bellevue, WA 98009-4143
(425) 453-5055
THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
9969 October 16, 23, 30
1997 November 6, 1997