

51421

K-50814

Vol. 1998

Page 933

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Josephine, ss:
I, MICHAEL J. BIRD

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

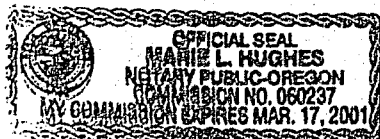
JAMES D. GORTON, P. O. BOX 194, KERBY, OR 97531

LILA L. GORTON, P. O. BOX 194, KERBY OR 97531

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.....
MICHAEL J. BIRD....., 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.....June 23....., 19.97.... 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 June 23, 19.97.

Marie L. Hughes
Notary Public for Oregon. My commission expires 03-17-2001

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

JAMES D. GORTON et ux

Grantor

TO

JOSEPHINE GRATER TITLE

COMPANY

Trustee

AFTER RECORDING RETURN TO

Michael J. Bird, Attorney
P.O. Box 1249
Grants Pass, OR 97528-0311

(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 the..... day of....., 19....., at..... o'clock.....M., and recorded in book/reel/volume No. on page..... or as fee/tile/instrument/microfilm/reception No., Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By..... Deputy

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

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: JAMES D. GORTON and LILA L. GORTON

Trustee: JOSEPHINE-CRATER TITLE COMPANY,
an Oregon corporation

Successor Trustee: MICHAEL J. BIRD

Beneficiary: FLOYD McCURDY

2. Property covered by the trust deed:

Beginning at a point on the Southeasterly line of Lot 14 in Block 76 of Buena Vista Addition to Klamath Falls, Oregon, which is North 55°38' East 107 feet from the most Southerly corner of said lot; thence North 55°38' East 36 feet along the Southeasterly line of said lot; thence North 35°11' West 66.45 feet; thence South 47°32' West 11.6 feet; thence South 45°38' East 1.79 feet; thence South 41°27' West 29.85 feet; thence South 39°20' East 56.1 feet to the point of beginning, being a portion of Lot 14, Block 76, BUENA VISTA ADDITION, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. (Account #3809-029BD-05800, Key No. R213147, Code 001)

Property Address:

925 Addison Street
Klamath Falls, Oregon

3. The trust deed was dated September 23, 1996, and recorded on October 1, 1996, in Volume M96, at Page 31166, Mortgage Records of Klamath County, Oregon.

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

(a) Monthly payments of \$291.67 each commencing December 30, 1996, and thereafter.

(b) Unpaid late penalty charge of \$58.32, plus 5% on each monthly payment thereafter not made within 15 days of due date.

(c) 1996-97 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 \$25,000, with interest thereon at the rate of 14.000 percent per annum beginning 11/30/96 until paid.

(b) Unpaid late penalty charge of \$58.32, plus 5% on each monthly payment thereafter not made within 15 days of due date.

(c) 1996-97 real property taxes, plus interest thereon.

(d) Two (2) months interest if a foreclosure is initiated.

(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.

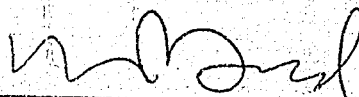
6. The beneficiary has and does elect to sell the property to satisfy the obligation. A Notice of default was recorded in Volume M97, at Page 18877, Mortgage Records of Klamath County, Oregon.

7. The property will be sold in the manner prescribed by law on January 15, 1998, at 10:00 o'clock, A.M., standard time as established by ORS 187.110, at the front steps of Klamath County Title Company, 422 Main, Klamath Falls, Klamath County, 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 23rd day of June, 1997.



MICHAEL J. BIRD, SUCCESSOR TRUSTEE

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of First American Title the 12th day
of January A.D., 19 98 at 3:15 o'clock P. M., and duly recorded in Vol. M98,
of Mortgages on Page 933.

FEE \$25.00

By Bernetha G. Leisch, County Clerk
Kathleen R. [unclear]