

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Klamath ss.

I, Michael L. Spencer, 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:

Klamath First Federal
540 Main Street, Klamath Falls, OR 97601

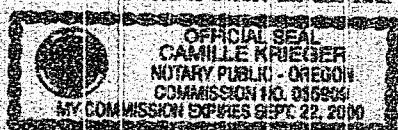
Walter and Cindy Giavia
14141 Hill Rd, Klamath Falls, OR 97603


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 L. Spencer, 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 Klamath Falls, Oregon, on October 24, 1997. 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 this 12th day of February, 1998.




Notary Public for Oregon

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed from

Walter A. and Cindy Giavia, Grantor

TO

Klamath County Title, Trustee

After recording return to: Michael L. Spencer
419 Main Street, Klamath Falls, OR 97601

TRUSTEE'S NOTICE OF SALE

4656

Reference is made to that certain trust deed made by Walter A. Glavin and Cindy Glavin, as grantor, to Klamath County Title Company, as trustee, in favor of Thena, Inc., as beneficiary, dated July 29, 1994, recorded July 29, 1994, in the mortgage records of Klamath County, Oregon, in book No. M94 at page 23333, or as No. covering the following described real property situated in said county and state, to-wit:

A parcel of land situated in SE 1/4 of SE 1/4 of Section 8, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 1/2 inch iron pin South 0 degrees 30' East, 2011.73 feet and South 89 degrees 58' 30" West, 990.00 feet from 1/2 inch iron pipe found in mound of rock for the Northeast corner of SE 1/4 of said Section 8 (East 1/4 corner of Section 8) to true point of beginning; thence South 0 degrees 30' East, 670.85 feet to a 1/2 inch iron pin; thence South 89 degrees 57' 30" West 312.00 feet to a 5/8 inch iron pin; thence North 0 degrees 25' West 670.95 feet along East right of way of County Road to 1/2 inch iron pin; thence North 89 degrees 58' 30" East 311.00 feet to the point of beginning. A 30.00 foot strip South and parallel to North line of the parcel being reserved for right of way purposes.


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: \$113,156.45 plus interest thereon at 6% per annum.

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: \$113,156.45 plus interest of \$23,238.76 through 10/24/97.

WHEREFORE, notice hereby is given that the undersigned trustee will on March 12, 1998, at the hour of 9:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at 419 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.

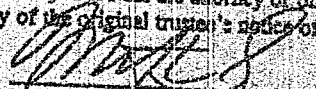
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: October 24, 1998


Michael L. Spencer, Successor Trustee

State of Oregon, County of Klamath) ss.

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.


Michael L. Spencer, Attorney for said Trustee

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Michael L. Spencer the 13th day of February A.D. 19 98 at 9:42 o'clock A.M. and duly recorded in Vol. M98 of Mortgages on Page 4655

FILE \$15.00

By Bernetha G. Lersch County Clerk
Kathleen Ross