

98 FEB 23 P3:13

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

Re: Trust Deed From:

Joe & Eleanor Victor; Grantor

To:

Andrew P. Ositis, Trustee;
Successor Trustee, Brandt A. Himler

AFTER RECORDING RETURN TO:

R. Kevin Hendrick; Atty at Law
1223 Edgewater NW, Salem, OR 97304

STATE OF OREGON, County of Polk)ss:

K-51950

I, BRANDT A. HIMLER, 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 original notice of sale, a true and accurate copy of which is attached hereto, 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 true and accurate copies 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 | NAME | ADDRESS |
|---|---|--|--|
| Joe & Eleanor Victor | 4215 Laverne Klamath Falls, OR 97603 | Oregon Dept. of Revenue | 955 Center St. Salem, OR 97310 |
| First Deposit National Bank c/o Kenneth Anderson, Esq. | 1737 NE Broadway Portland, OR 97237 | The Whittemore Loving Trust c/o Charles Douglas Whittemore; Trustee | 27014 Dugout Lane Rocky Point, 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 R. Kevin Hendrick, 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 Salem, Oregon, on February 19, 1998. 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 executed.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Brandt A. Himler

SUBSCRIBED and SWORN to before me on this 19th day of February, 1998.



Muller
NOTARY PUBLIC FOR OREGON
My Commission Expires July 10, 2001

TRUSTEE'S NOTICE OF SALE

Re: Trust Deed From:

Joe & Eleanor Victor; Grantor

To:

Andrew P. Ositis, Trustee;
Successor Trustee, Brandt A. Himler**AFTER RECORDING RETURN TO:**R. Kevin Hendrick; Atty at Law
1223 Edgewater NW, Salem, OR 97304**TRUSTEE'S NOTICE OF SALE**

REFERENCE is made to that certain trust deed made by **JOE H. VICTOR** and **ELEANOR D. VICTOR**, as grantor, to **ANDREW P. OSITIS**; Successor Trustee, **BRANDT A. HIMLER**, as trustee, in favor of **WILLIAM BARRY** and **IRENE BARRY**, as beneficiary, dated the 27th day of December, 1996, and recorded the 6th day of January, 1997 in the microfilm mortgage records of Klamath County, Oregon in Volume M97, Page 206, covering the following described real property situated in the above-mentioned county and state, to-wit:

Lot 28 and 29 in Block 21 of Industrial Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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 foreclosure is made is grantor's failure to pay when due the following sums:

Final Balloon Payment in the amount of \$19,826.41 due June 27, 1997, together with interest at a rate of 16% from August 28, 1997 forward; together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns; plus real property taxes (if any), together with any penalties, delinquent interest and late charges thereon.

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

\$19,826.41 together with interest thereon at the rate of 16.00 percent per annum beginning August, 28 1997; together with late charges, after accrued interest, property taxes, 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 at the hour of 3:00 o'clock P.M., in accord with the standard of time established by ORS 187.110, on June 26, 1998, at the following place: Front/Main Entrance of the Klamath County Courthouse, 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 the power to convey, at the time of the execution by grantor of the trust deed, together with any interest the grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

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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 the 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 ORS 86.753.

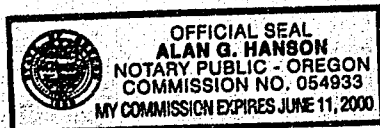
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective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


DATED this the 19th day of February, 1998.


Brandt A. Himler, Successor Trustee

STATE OF OREGON)
) ss.
County of Polk)

This instrument was acknowledged before me on this the 19th day of February, 1998, by Brandt A. Himler, Successor Trustee.




NOTARY PUBLIC FOR OREGON
My Commission Expires 6/11/00

STATE OF OREGON)
) ss.
County of Polk)


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

Attorney for Successor Trustee

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of First American Title the 23rd day
of February A.D., 19 98 at 3:13 o'clock P. M., and duly recorded in Vol. M98
of Mortgages on Page 5823

FEE \$20.00

By Bernetha G. Letsch, County Clerk


Recording date February 23, 1998

Missing document #53568