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54971

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

Vol. m 98 Page 8999

STATE OF OREGON, County of Klamath, ss:

I, James R. Uerlings, 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:

NAME

ADDRESS

1) Eddie L. Wilcher

PO Box 6700

Brookings, OR 97415

2) Eddie L. Wilcher

12057 Merganser

Klamath Falls, OR 97601

3) Eddie L. Wilcher

c/o Robert Hamilton

900 W. 8th Street

Medford, OR 97501

4) Mark Wendt Construction

c/o Andrew Brandness

411 Pine 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.....

James R. Uerlings

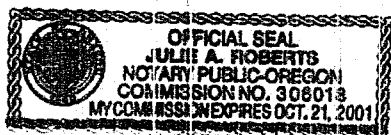
....., attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on March 18, 1998. With respect to each person listed above, one such notice 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 recorded.

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

James R. Uerlings, Successor Trustee

Subscribed and sworn to before me on March 18, 1998.

John A. Roberts,
Notary Public for Oregon. My commission expires 10/21/01.



**AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE**

RE: Trust Deed from

Eddie L. Wilcher

Grantor

TO

James R. Uerlings

Trustee

AFTER RECORDING RETURN TO

James R. Uerlings

110 N 6th Street

Klamath Falls, OR 97601

(DON'T USE THIS
SPACE; RESERVE
FOR RECORDING
LABEL IN COUN-
TIES 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/file/instrument/microfilm/reception No. , Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By Deputy

9000



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by

Eddie L. Wilcher

as grantor, to
 Ocean Title & Escrow* as trustee,
 in favor of C&K Market, Inc., 401(k) Profit Sharing Plan and Trust as beneficiary,
 dated April 9, 1997, recorded April 10, 1997, in the mortgage records of
 Klamath County, Oregon, in book/reel/volume No. M97 at page 10709, or
 as a copy of the same of recording these documents. (book or other), covering the following described real
 property situated in said county and state, to-wit:

Lot 130, RUNNING Y RESORT, PHASE 2, according to the official plat thereof on file in the
 office of the County Clerk of Klamath County, Oregon.

*James R. Uerlings appointed Successor Trustee on February 24, 1998, recorded on March 4,
 1998 in Klamath County, Oregon in Volume M98, page 7066.

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 de-
 fault for which the foreclosure is made is grantor's failure to pay when due the following sums:

(See attached Exhibit A)

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:

\$150,000 plus interest @ 12% per annum from July 25, 1997 until paid, plus all property
 taxes, attorney fees incurred in this foreclosure and in Klamath County Circuit Court Case
 #9800119CV, and all costs and expenses incurred in both proceedings, and any sums advanced
 by Beneficiary to pay any liens that the Grantor has allowed to occur against the property.

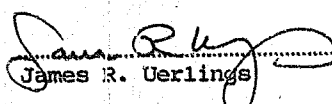
WHEREFORE, notice hereby is given that the undersigned trustee will on August 5, 1998,
 at the hour of 10 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at

110 N. 6th 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 per-
 formance 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 March 12, 1998.


 James R. Uerlings

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.

Attorney for said Trustee

SERVE:

If the foregoing is a copy to be served pursuant to
 ORS 86.740 or ORS 86.750(1), fill in opposite
 the name and address of party to be served.

Exhibit A

1. Monthly interest payments on \$150,000 at 12% per annum from July 25, 1997 to October 9, 1997.
2. Monthly regular payments of \$1,600 for the months of October 1997 through March 1998 and thereafter at the same rate until paid up to date, due on the 9th day of each month.
3. Real property taxes of \$553.63 plus interest for the 1997-1998 tax year.
4. Construction lien of Mark Wendt Construction, Inc., dated September 10, 1997, recorded September 12, 1997 in Vol M97 at Page 29971 in Klamath County, Oregon in the original amount of \$13,600 plus interest and costs.
5. All attorney fees and related costs incurred by the Beneficiary in defending a foreclosure suit brought by the party described in #4 in Klamath County Circuit Court Case #9800119CV plus interest thereon at 12% per annum from date of payment by the beneficiary.
6. Attorney fees, Trustees' fees and costs of this foreclosure and interest thereon at 12% per annum from date of payment by the beneficiary.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 20th day
of March A.D., 19 98 at 2:46 o'clock P. M., and duly recorded in Vol. M98
of Mortgages on Page 8999.

FEE \$20.00

By Kathleen Rosen
Bernetha G. Letsch, County Clerk