

AFTER RECORDING RETURN TO:  
Shapiro & Kreisman  
522 S.W. Fifth Avenue, #300  
Portland, OR 97204  
97-12765

ATC #04047093

**OREGON**  
**AFFIDAVIT OF MAILING OF NOTICE OF SALE**

I, Kelly D. Sutherland, say and certify that:

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 the successor in interest named in the Trust Deed described in the attached Notice of Sale.

I have given notice of sale of the real property described in the attached Notice of Sale by mailing a copy of the notice by registered or certified mail and first class mail to each of the following named persons at their last known addresses, to-wit:

Martin W. Noland  
1194 Crescent Avenue  
Klamath Falls, OR 97601-2516

Martin W. Noland  
1194 1/2 Crescent Avenue  
Klamath Falls, OR 97601-2516

Martin W. Noland  
3000 Pennington Drive  
Medford, OR 97504

Tracy Noland  
203 Pine Street  
Klamath Falls, OR 97601

Neal G. Buchanan, Esq.  
601 Main Street, Suite 215  
Klamath Falls, OR 97601

Maxwell S. Hargrove  
5543 Summers Lane  
Klamath Falls, OR 97603

Empire Building Supply  
R/A: Richard Grow  
111 S. Spring Street  
Klamath Falls, OR 97601

State of Oregon  
Department of Revenue  
Revenue Building  
955 Center Street, N.E.  
Salem, OR 97310

State of Oregon  
Employment Department  
875 Union Street, N.E.  
Salem, OR 97311

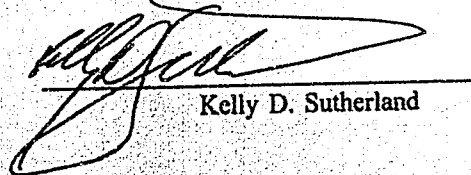
State of Oregon  
Attorney General  
100 Justice Building  
1162 Court Street, N.E.  
Salem, OR 97310

Klamath Public Employees  
Federal Credit Union  
3737 Shasta Way  
Klamath Falls, OR 97603

The persons mailed to include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or whose interest the trustee or the beneficiary has actual notice and any person requesting notice as provided in ORS 86.785 and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by Kelly D. Sutherland, Shapiro & Kreisman, the trustee named in said notice; each copy was mailed in a sealed envelope, with postage prepaid, and was deposited by me in the United States post office at Portland, Oregon, on December 23, 1997. Each notice was mailed after the date that the Notice of Default and Election to Sell described in said Notice of Sale was recorded which was at least 120 days before the day of the trustee sale.

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



Kelly D. Sutherland

10661

State of Oregon )

County of Multnomah )

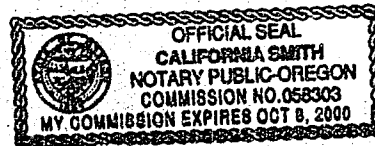
On this 23<sup>rd</sup> day of December in the year 1997, before me the undersigned, a Notary Public in and for said County and State, personally appeared Kelly D. Sutherland personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.

Witness my hand and official seal

California Smith

Notary Public

My Commission Expires 10/08/00



Lender Loan #: 7873911-M

10662

AFTER RECORDING RETURN TO:

SHAPIRO & KREISMAN

522 S.W. 5th Avenue

Suite 300

Portland, Oregon 97204

503) 241-0772

Loan #: 7873911-M

S&K No. 97-12765

### CERTIFICATE OF NON-MILITARY SERVICE

STATE OF WISCONSIN )  
 ) SS.  
County of MILWAUKEE )

THIS IS TO CERTIFY THAT I, Susanne E Galt, am the ~~Assistant Secretary~~ of Fleet Mortgage Corp., the current beneficiary in that certain trust deed in which Martin W. Noland and Tracy Noland, husband and wife, as grantor, conveyed to Aspen Title and Escrow, Inc. an Oregon corporation, as trustee, certain real property in Klamath County, Oregon; which said trust deed was dated June 16, 1994, and recorded June 29, 1994, in the mortgage records of said county, in Book No. M-94, at Page 20273, Document No. 83549; thereafter a Notice of Default with respect to said trust deed was recorded December 15, 1997, in Book No. None at Page None, Recorder's Fee No. 50093 of said mortgage records; thereafter the said trust deed was duly foreclosed by advertisement and sale and the real property covered by said trust deed is scheduled to be sold at the trustee's sale on April 22, 1998; I reasonably believe at no time during the period of three months and one day immediately preceding the day of said sale and including the day thereof, was the real property described in and covered by said trust deed, or any interest therein, owned by a person in the military service as defined in Article I of the "Soldiers' and Sailor's Civil Relief Act of 1940," as amended, or legally incompetent under the laws of the State of Oregon.

In construing this certificate, the masculine includes the feminine, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor, the word "trustee" includes any successor trustee, and the word "beneficiary" includes any successor in interest to the beneficiary named in said trust deed.

10663

Date: March 16, 1998

Fleet Mortgage Corp., fka Fleet Real Estate  
Funding Corp.

Susanne E Gale

TITLE SUSANNE E GALE, ASSISTANT SECRETARY

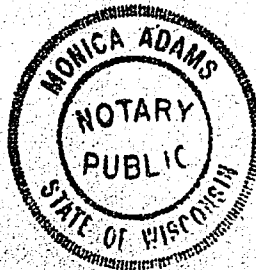
STATE OF WISCONSIN )  
 ) SS.  
COUNTY OF MILWAUKEE )

On this 16<sup>th</sup> day of March, 1998, before me the undersigned a  
Notary Public appeared SUSANNE E GALE personally known to me or  
proved to me on the basis of satisfactory evidence to be the ASSISTANT SECRETARY  
\_\_\_\_\_ of the corporation that executed the within instrument, also known to me  
to be the person who executed the within instrument on behalf of the corporation  
therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official  
seal, the date first hereinabove written.

Monica Adams

Notary Public for State indicated above  
My commission expires: 2-6-2000





97-12765

## TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Martin W. Noland and Tracy Noland, husband and wife as grantor to Aspen Title and Escrow, Inc. an Oregon corporation, as Trustee, in favor of Independence One Mortgage Corporation, a Michigan corporation as Beneficiary, dated June 16, 1994, recorded June 29, 1994, in the mortgage records of Klamath County, Oregon, in Book No. M-94 at Page 20273, Document No. 83549, beneficial interest having been assigned to Fleet Mortgage Corp., covering the following described real property:

Lot 5 and the Northeasterly 1/2 of Lot 6, Block 12, HOT SPRINGS ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon.

COMMONLY KNOWN AS: 1194 Crescent Avenue, Klamath Falls, OR 97601

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:

Monthly payments in the sum of \$751.80 from August 1, 1997, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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 sum being the following, to-wit:

\$73,230.20, together with interest thereon at the rate of 8.750% per annum from July 1, 1997 together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on April 22, 1998 at the hour of 11:00 o'clock A.M., in accord with the standard time established by ORS 187.110, at the main entrance of the Klamath County Courthouse located at 317 South 7th Street, 2nd Floor 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 has or had power to convey at the time of the execution of said trust deed, together with any interest which the grantor or his 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 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 obligations 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 masculine gender includes the feminine and the neuter, 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.

The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose.

KELLY D. SUTHERLAND  
Successor Trustee

Dated 12/13/97

By: 

State of Oregon, County of Multnomah ss:

I, the undersigned certify that the foregoing instrument is a complete and exact copy of the original Trustee's Notice of Sale

SHAPIRO & KREISMAN  
522 SW 5th Avenue  
Suite 300  
Portland, Oregon 97204  
(503) 241-0772

Lender Loan #: 7873911-M

10666

**NOTICE REQUIRED BY THE  
FAIR DEBT COLLECTION PRACTICES ACT  
15 U.S.C. SECTIONS 1692**

1. The amount of the debt is stated in the Trustee's Notice of Sale attached hereto.
2. The beneficiary as named in the attached Trustee's Notice of Sale is the original creditor to whom the debt was owed; if the debt has been assigned, the Trustee's Notice of Sale will name the current holder of the beneficial interest.
3. The debt described in the Trustee's Notice of Sale attached hereto will be assumed to be valid by the Trustee unless the debtor, within thirty days after the receipt of this notice, disputes the validity of the debt or some portion thereof.
4. If the debtor notifies the Trustee in writing within thirty days of the receipt of this notice that the debt or any portion thereof is disputed, the Trustee will provide a verification of the debt, and a copy of the verification will be mailed to the debtor by the Trustee.
5. If the creditor named as beneficiary in the attached Trustee's Notice of Sale is not the original creditor, and if the debtor makes a written request to the Trustee within the thirty days from the receipt of this notice, the name and address of the original creditor will be mailed to the debtor by the Trustee.
6. Written request should be addressed to: Fair Debt Collections Clerk, Shapiro & Kreisman, 522 S.W. Fifth Avenue, Suite 300, Portland, Oregon 97204.
7. This communication is an attempt to collect a debt, and any information obtained will be used for that purpose.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 1st day  
of April A.D., 19 98 at 3:15 o'clock P M., and duly recorded in Vol. M98  
of Mortgages on Page 10659

FEE \$45.00

By Bernetha G. Leisch County Clerk  
K. Leisch