

59779

Aspen 04047214/F
AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

Vol 98 Page 20335

STATE OF OREGON, County of Klamath, ss:

I, Andrew A. Patterson

, 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

See Exhibit "A" attached hereto and by this reference made a part hereof as though fully set forth herein...

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

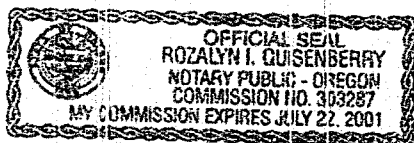
Andrew A. Patterson, trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on February 3, 1998. With respect to each person listed above, one such notice was 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.

Andrew A. Patterson

Subscribed and sworn to before me on February 3, 1998.

Rozalyn I. Quisenberry
Notary Public for Oregon. My commission expires 7-22-2001



AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE

RE: Trust Deed from

Grantor

TO

Trustee

AFTER RECORDING RETURN TO

ASPEN TITLE & ESCROW, INC
ATTN: FORECLOSURE DEPARTMENT

(DON'T USE THIS
SPACE; RESERVED
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

Exhibit "A"

Aubrey Dale Harris
Ginger Lee Harris
1515 Old Fort Road
Klamath Falls, Oregon 97601

Klamath County Tax Collector
403 Pine Street
Klamath Falls, Oregon 97601

Occupant
1418 Johnson Avenue
Klamath Falls, Oregon 97601

Ruth E. Woolhiser
1610 Whitman
Medford, Oregon 97501

TRUSTEE'S NOTICE OF SALE

20337

Reference is made to that certain trust deed made by Aubrey Dale Harris & Ginger Lee Harris, husband and wife, Aspen Title & Escrow, Inc., as grantor, to Aspen Title & Escrow, Inc. Retirement Trust Account 401K, as trustee, dated February 23, 1996, recorded July 23, 1996, as beneficiary, Klamath County, Oregon, in book 21848, No. 196, in the mortgage records of Aspen Title & Escrow, Inc., at page 22116, or property situated in said county and state, to-wit:

See Exhibit "A" attached hereto and by this reference made a part hereof as though fully set forth herein....

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: Balance of monthly installments not less than \$91.67 due for October, November and December of 1997 and January of 1998, and subsequent installments of like amounts; subsequent amounts for assessments due under the terms and provisions of the Note and Trust Deed. An additional amount of \$902.12 plus interest and subsequent installments of like amounts beginning January 29, 1998; subsequent amounts for assessments due under the terms and provisions of the Note and Trust Deed. 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: \$11,000.00 plus interest and late charges, thereon from October 26, 1997 at the rate of TEN (10.0%) PERCENT PER ANNUM until paid and all sums expended by the Beneficiary pursuant to the terms and provisions of the Note and Trust Deed; plus any and all property taxes owing.

WHEREFORE, notice hereby is given that the undersigned trustee will on June 22, 1998, at the hour of 11:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at Front entry to Aspen Title & Escrow, Inc. located at 525 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 February 3, 1998.

Aubrey Dale Harris

Trustee

State of Oregon, County of Klamath

ss:

I, the undersigned, certify that I am the Attorney in Fact of the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Attorney in Fact Trustee

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.

SERVE:

EXHIBIT "A"

Lots 3 and 4, Block 28, HILLSIDE ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon. TOGETHER WITH that portion of vacated Lexington Street adjoining that would attach thereto by Ordinance #2148, recorded February 25, 1958 in Book 297 at Page 577, Deed Records of Klamath County, Oregon.

EXCEPTING THEREFROM the North one-half of Lot 3, Block 28, HILLSIDE ADDITION TO THE CITY OF KLAMATH FALLS. Together with the portion of vacated Lexington Street which inurred thereto, in the County of Klamath, State of Oregon.

CODE 1 MAP 3809-29DA TL 7600

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 15th day
of June A.D., 19 98 at 11:41 o'clock A M., and duly recorded in Vol. M98
of Mortgages on Page 20335

Bernetha G. Leisch, County Clerk

FEE \$25.00

By Bernetha G. Leisch