

98-13037

ATC 0401880

## TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Johnny J. Castleberry, Jr. and Virginia A. Castleberry, Husband and Wife as grantor, to First American Title Insurance Company, as Trustee, in favor of Temple-Inland Mortgage Corporation as Beneficiary, dated July 1, 1997, recorded July 10, 1997, in the mortgage records of Klamath County, Oregon, in Book No. M-97 at Page 21640, Instrument/Recorder's Fee No. 40859, beneficial interest having been assigned to HomeSide Lending Inc., fka BancBoston Mortgage Corporation, covering the following described real property:

(The complete Legal Description is attaced hereto as Exhibit "A")  
COMMONLY KNOWN AS: 420 North Tenth Street, 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 \$382.10 from March 1, 1998, 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:

\$39,235.95, together with interest thereon at the rate of 8.62500% per annum from February 1, 1998 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 December 2, 1998 at the hour of 11:00 AM, 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, 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

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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.

Dated

7/25/98

KELLY D. SUTHERLAND  
Successor Trustee

By:

Kelly D. Sutherland

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

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

Lender Loan #: 18819782

## EXHIBIT "A"

A portion of Lot 1, Block 51, NICHOLS ADDITION TO THE CITY OF KLAHATH FALLS, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the most Northerly corner of Lot 1, Block 51, Nichols Addition to the town of Linkville (now City of Klamath Falls) Oregon; thence Southwesterly at right angles to 10th Street 52.12 feet; thence Southeasterly parallel with 10th Street, 50 feet; thence Northeasterly at right angles to 10th Street, 52.12 feet; thence Northwestealy along the Westerly line of 10th Street, 50 feet to the point of beginning.

CODE 1 MAP 3809-290C TL 13900

Unofficial  
Copy

**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.

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AFTER RECORDING RETURN TO:  
SHAPIRO & KREISMAN  
522 S.W. 5th Avenue  
Suite 300  
Portland, Oregon 97204  
(503) 241-0772

98-13037

**CERTIFICATE OF NON-MILITARY SERVICE**

STATE OF Florida )  
County of Duval ) SS.

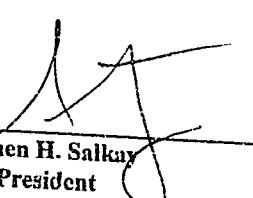
THIS IS TO CERTIFY THAT I, Stephen H. Salkay, Vice President of HomeSide Lending Inc., fka BancBoston Mortgage Corporation, am the current beneficiary in that certain trust deed in which Johnny J. Castleberry, Jr. and Virginia A. Castleberry, Husband and Wife, as grantor, conveyed to First American Title Insurance Co., as trustee, certain real property in Klamath County, Oregon; which said trust deed was dated July 1, 1997, and recorded July 10, 1997, in the mortgage records of said county, in Book No. M-97, at Page 21640, Document/Instrument/Recorder's Fee No. 40859; thereafter a Notice of Default with respect to said trust deed was recorded July 27, 1998, Book No. 27366, Page No. 63409, Document/Instrument/Recorder's Fee No. None, 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 December 2, 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 include, 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.

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Date: Oct. 19, 1998

HomeSide Lending, Inc., fka BancBoston  
Mortgage Corporation

  
NAME: Stephen H. Salkay  
TITLE: Vice President

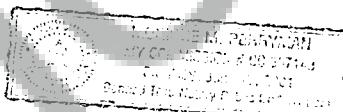


STATE OF FLORIDA )  
COUNTY OF DUVAL ) SS.  
                    )

On this 19<sup>th</sup> day of October, 1998, before me the undersigned a  
Notary Public appeared Stephen H. Salkay personally known to me or  
proved to me on the basis of satisfactory evidence to be the Vice President  
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.

Markie M. Denney  
Notary Public for State indicated above  
My commission expires:



STATE OF OREGON: COUNTY OF KLAMATH : ss.

Filed for record at request of Aspen Title & Escrow the 5th day  
of November A.D. 19 98 at 3:39 o'clock P. M., and duly recorded in Vol. M98  
of Mortgages on Page 40640,  
FEE \$35.00 By Kathleen Ross Bernetha G. Letsch, County Clerk