

99 MAR -3 P3:12

MTC 46048

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, 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 Washington, 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 address, to-wit:

Monica F. Dawson
5444 Sherwood Drive
Klamath Falls, OR 97603

Theodore R. Kulongoski
Attorney General, State of Oregon
1162 Court Street Northeast
Salem, OR 97310

Klamath County Tax Collector
403 Pine Street, Suite 300
Klamath Falls, OR 97601

Carter Jones Collections, LLC
c/o Kent Pederson, Reg. Agent
11143 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 DAVID E. FENNELL, 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 Bellevue, Washington, on 11/14/98. 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.

Subscribed and sworn to before me on

10/141998, byLolores San NicolasLolores San NicolasBette Jane Ruhl

Notary Public for Washington

Residing at

BellevueMy commission expires: 5/2/00

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Dawson, Monica F.

Grantor

to

DAVID E. FENNELL,

Trustee

File No. 7152.20179

After recording return to:

ROUTH CRABTREE & FENNELL

Attn: B J Ruhl

PO Box 4143

Bellevue, WA 98009-4143

PROOF OF SERVICE

7618

STATE OF OREGON)
) ss.
County of Klamath)

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale certified to be such by the attorney for the trustee or successor trustee, along with a copy of Notice Under the Fair Debt Collection Practices Act, upon the OCCUPANTS at the following address:

5444 SHERWOOD DRIVE, KLAMATH FALLS, OREGON 97603, as follows:

Personal service upon Michael Nachtigal, by delivering said true copy, personally and in person, at above address on November 4, 1998 at 10:10 A.m.

Personal service upon _____, by delivering said true copy, personally and in person, at the above address on _____, 199 at _____ m.

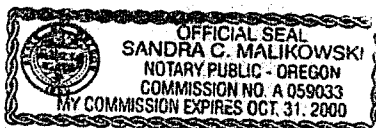
Substitute service upon Monica Dawson, by delivering said true copy, at his/her usual place of abode as indicated above, to Michael Nachtigal who is a person over the age of 14 years and a member of the household on November 4, 1998 at 10:10 A.m.

Substitute service upon _____, by delivering said true copy, at his/her usual place of abode as indicated above, to _____ who is a person over the age of 14 years and a member of the household on _____, 199 at _____ m.

I declare under the penalty of perjury that the above statement is true and correct.

Sid Mathis
Sid Mathis 167097

SUBSCRIBED AND SWORN to before me this 4th day of November, 1998.



Sandra C. Malikowski
Notary Public for Oregon

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Monica F. Dawson, as estate in fee simple, as grantor, to Lucy E. Kivel, Esq., as trustee, in favor of TMS Mortgage Inc., dba The Money Store, as beneficiary, dated 12/9/97, recorded 12/18/97, in the mortgage records of Klamath County, Oregon, in Volume M97, Page 41118 and subsequently assigned to The Bank of New York as Trustee under Pooling and Servicing Agreement dated as of November 30, 1997, Series 1997-D by Assignment, covering the following described real property situated in said county and state, to wit:

Lot 3, Block 12, Tract No. 1064, First Addition to Gatewood, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

PROPERTY ADDRESS: 5444 Sherwood Drive
Klamath Falls, OR 97603

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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 of \$933.03 beginning 5/1/98; plus late charges of \$46.65 each month beginning 5/16/98; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's 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.

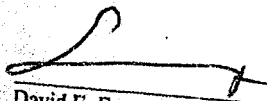
By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$101,836.53 with interest thereon at the rate of 10.5 percent per annum beginning 4/1/98; plus late charges of \$46.65 each month beginning 5/16/98 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with 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 on 3/5/99 at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 2nd floor lobby of the Klamath County Courthouse, 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 described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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.

7620

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 11-2, 19 88


David E. Fennell -- Trustee

For further information, please contact:

B J Ruhl
ROUTH CRABTREE & FENNELL
PO Box 4143
Bellevue, WA 98009-4143
(425) 586-1900
File No. 7152.20179/Dawson, Monica F.

State of Washington, County of King) ss:

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

David E. Fennell -- Trustee

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

Affidavit of Publication

7621

STATE OF OREGON, COUNTY OF KLAMATH

I, Larry L. Wells, Business Manager,
being first duly sworn, depose and say
that I am the principal clerk of the
publisher of the Herald and News
a newspaper in general circulation, as
defined by Chapter 193 ORS, printed and
published at Klamath Falls in the
aforesaid county and state; that the

LEGAL #1950

TRUSTEE'S NOTICE OF SALE.....

a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for FOUR

(4) insertion(s) in the following issues:

JANUARY 14/21/28

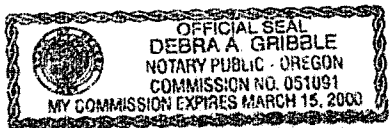
FEBRUARY 4, 1999

Total Cost: \$663.00

Subscribed and sworn before me this 4TH
day of FEBRUARY 1999

Debra A. Gribble
Notary Public of Oregon

My commission expires 3-15 2000



TRUSTEE'S NOTICE OF SALE. I, the undersigned, being first duly sworn, depose and say that I am the principal clerk of the publisher of the Herald and News a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at Klamath Falls in the aforesaid county and state; that the

LEGAL #1950

TRUSTEE'S NOTICE OF SALE.....

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for FOUR

(4) insertion(s) in the following issues:

JANUARY 14/21/28

FEBRUARY 4, 1999

Total Cost: \$663.00

Subscribed and sworn before me this 4TH day of FEBRUARY 1999

Debra A. Gribble
Notary Public of Oregon

My commission expires 3-15 2000

OFFICIAL SEAL
DEBRA A. GRIBBLE
NOTARY PUBLIC - OREGON
COMMISSION NO. 051091
MY COMMISSION EXPIRES MARCH 15, 2000

RECEIVED
FEB 08 1999

MULTICOUNTY RECORDS

STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle the 3rd day
of March A.D., 1999 at 3:12 o'clock P. M., and duly recorded in Vol. M99
of Mortgages on Page 7617

Linda Smith, County Clerk

by Kathleen Ross

FEE

\$30.00