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Vol. 199 Page: 7681

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON, County of KING) is:

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:

Dwayne C. Lee  
3803 Shasta Way  
Klamath Falls, OR 97603

Dwayne C. Lee  
3041 Kane Street  
Klamath Falls, OR 97603

Green Tree Financial Corp.  
332 Minnesota Street, Suite 610  
St. Paul, MN 55101

Carter Jones L.L.C.  
1143 Pine Street  
Klamath Falls, OR 97601

Yvonne L. Lee  
3803 Shasta Way  
Klamath Falls, OR 97603

Yvonne L. Lee  
3041 Kane Street  
Klamath Falls, OR 97603

Pacific Power & Light Co.  
920 Southwest Sixth Avenue  
Portland, OR 97204

Enterprise Irrigation District  
4806 Highway 39  
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 11/2/98. 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 11/3, 1998, by

Dolores San Nicolas  
Dolores San Nicolas

Rebecca Baker  
Notary Public for Washington  
Residing at Alvora  
My commission expires: 5/7/99

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Lee, Dwayne C. and Yvonne L.  
Grantor

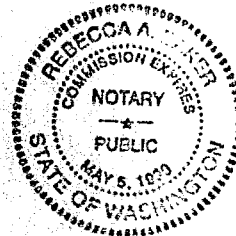
to

DAVID E. FENNELL,  
Trustee

After recording return to:

File No. 7037.21216

ROUTH CRABTREE & FENNELL  
Attn: Becky Baker  
PO Box 4143  
Bellevue, WA 98009-4143



**TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain trust deed made by Dwayne C. Lee and Yvonne L. Lee, husband and wife, as grantor, to Mountain Title Company of Klamath County, as trustee, in favor of Award Mortgage, Inc., an Oregon corporation, as beneficiary, dated 9/15/93, recorded 9/17/93, in the mortgage records of Klamath County, Oregon, in Volume M93, Page 24071 and subsequently assigned to Troy & Nichols, Inc. by Assignment recorded as Volume M93, page 27080, covering the following described real property situated in said county and state, to wit:

Lot 4 in Block 3 of Bryant Tracts No. 2, according to the official plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 3803 Shasta Way  
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 \$403.15 beginning 12/1/97; plus late charges of \$16.13 each month beginning 12/16/97; plus prior accrued late charges of \$10.02; plus advances of \$167.00; 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: \$40,260.52 with interest thereon at the rate of 8 percent per annum beginning 11/1/97; plus late charges of \$16.13 each month beginning 12/16/97 until paid; plus prior accrued late charges of \$10.02; plus advances of \$167.00; 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 **March 5, 1999** 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.

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 October 31, 1998



David E. Fennell -- Trustee

For further information, please contact:

Becky Baker

**ROUTH CRABTREE & FENNELL**

PO Box 4143

Bellevue, WA 98009-4143

(425) 586-1900

File No. 7037.21216/Lee, Dwayne C. and Yvonne L.

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 NON-OCCUPANCY

STATE OF OREGON )  
 ) ss.  
County of Klamath )

I, Ed Foreman, being first duly sworn, depose and say:

That I am, and have been at all material times hereto, a competent person over the age of eighteen years and a resident of Klamath County, State of Oregon. I am not a party to, an attorney in, or interested in any suit of action involving the property described below.

That on the 3rd day of November, 1998, after personal inspection, I found the following described real property to be unoccupied:

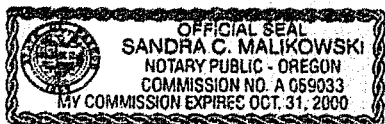
Lot 4 in Block 3 of Bryant Tracts No. 2, according to the official plat thereof on file in the Office of the County Clerk of Klamath County, Oregon

Commonly known as: 3803 Shasta Way  
Klarnath Falls, OR 97603

**I declare under the penalty of perjury that the above statements are true and correct.**

*Ed Foreman*  
Ed Foreman 167152

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



Sandra C. Male Kowalski  
Notary Public for Oregon

7685

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

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: \$702.00

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

Debra A. Huber  
Notary Public of Oregon

My commission expires 3-15 2000



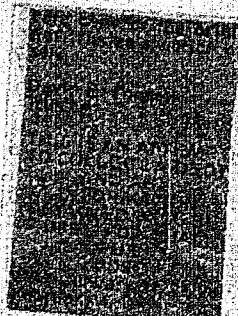
FEB 08 1999

ADMINISTRATIVE & GENERAL

7686

# Affidavit of Publication

7686



NOTARY PUBLIC  
STATE OF OREGON

STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle  
of March A.D., 1999 at 11:16 o'clock A. M., and duly recorded in Vol. M99  
of Mortgages on Page 7681

FEE \$35.00

Linda Smith, County Clerk  
by Kathleen Rosa

900: 5 0 331