

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

Vol M99 Page 19965

STATE OF OREGON                     ]  
                                                  ] ss.  
County of Klamath                   ]

I, RICHARD FAIRCLO, being duly sworn, depose and say and certify that:

At all times hereinafter mentioned I was and am now a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor of interest named in the attached original notice of sale given under the terms of that certain trust 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 at their respective last known addresses, to-wit:

Summit Industries  
Summit Home Products  
603 Seagaze Drive #Bldg 603  
Oceanside CA 92054-3005

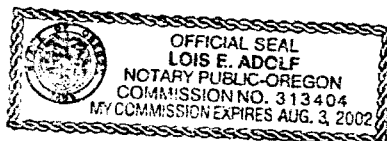
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice (c) any person, including the Department of Revenue or any other state agency, having a lien or interest, subsequent to the trust deed if the lien or interest appears of record of the beneficiary has actual notice of the lien or interest, and (d) any person request notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be true copy of the original notice of sale by RICHARD FAIRCLO, 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 Klamath Falls, Oregon, on May 19, 1999, as 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 this 19 day of May, 1999.

*[Signature]*  
Notary Public of Oregon  
My Commission expires:



52 JUN 19 P3:16

23-2

19966

Certified True Copy

# NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by LORIN AUSTIN, Grantor, MOUNTAIN TITLE OF KLAMATH COUNTY as the trustee, and DONALD G. BLANTON and CATHERINE A. BLANTON, husband and wife or the survivor, are the beneficiaries under that certain trust deed dated June 20, 1994, and recorded July 5, 1994, in Volume No. M94 page 20747, Microfilm Records of Klamath County, Oregon.

The beneficial interest under said Trust Deed was assigned by instrument dated June 20, 1994, recorded July 7, 1994, in Volume M94, page 21067, Microfilm Records of Klamath County Oregon, from Donald G. Blanton and Catherine A. Blanton, husband and wife, to Cecil James And Mildred James, Trustees Of The James Family Trust.

See Attached Exhibit "A."

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 of which the foreclosure is made is grantor's failure to pay when due the following sums:

Payments in the amount of \$857.45 due and payable on November 5, 1998, and each and every month thereafter, plus interest in the amount of 8 percent per annum from October 21, 1998, plus taxes for the fiscal year 1998-1999 are a lien due and payable in the amount of \$859.10 plus interest. Account No. 3610-00600-00500-000, Key No. 324241.

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:

\$69,102.89 plus interest in the amount of \$14.6173 per day from April 26, 1999, plus taxes for the fiscal year 1998-1999 are a lien due and payable in the amount of \$859.10 plus interest. Account No. 3610-00600-00500-000, Key No. 324241.

WHEREFORE, notice hereby is given that the undersigned trustee will on September 22, 1999, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at Government Center, front steps, 305 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 him of the 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 then due (other than such portion of the principal as would not then to 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 of 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.

NOTICE OF DEFAULT  
AND ELECTION TO SELL.

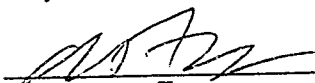
Page -1-

Richard Fairclough  
Attorney at Law  
280 Main Street  
Klamath Falls OR 97601

19967

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 which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: 5/4/99

  
Successor Trustee

NOTICE OF DEFAULT  
AND ELECTION TO SELL  
Page -2-

Richard Fairclo  
Attorney at Law  
280 Main Street  
Klamath Falls OR 97601

EXHIBIT "A"  
LEGAL DESCRIPTION

The SE1/4 of Section 6, Township 36 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, EXCEPT the following described portion thereof, as follows:

Beginning at a point which is the NW1/4 corner of the SE1/4 of Section 6, Township 36 South, Range 10 East of the Willamette Meridian; thence 208 feet East along the North line of said SE1/4; thence South and parallel to the West line of the said SE1/4 to the South line of said Section 6; thence along the said South line of said Section 6 a distance of 208 feet to the SW corner of the said SE1/4; thence North along the West line of said SE1/4 to the point of beginning and being a strip 208 feet wide off the Westerly portion of the SE1/4 of said Section 6.

State of Oregon, County of Klamath  
Recorded 5/19/99, at 3:16 p.m.  
In Vol. M99 Page 19965  
Linda Smith, County Clerk  
Fee \$ 25-

*Linda Smith*

NS

99 Mar 19 P3:10

Vol M99 Page 19969

Robert L. & Roberta A. Hunt  
PO Box 761  
Chiloquin, Or 97624  
Travis D. & Faith M. Johnson  
PO Box 195  
Chiloquin, Or 97624

After recording, return to (Name, Address, Zip):

Same As Grantee

Until requested otherwise, send all tax statements to (Name, Address, Zip):

Same As Grantee

SPACE RESERVED  
FOR  
RECORDER'S USE

State of Oregon, County of Klamath  
Recorded 5/19/99, at 3:16 p.m.  
In Vol. M99 Page 19969  
Linda Smith, County Clerk  
Fee \$ 30 -

Linda Smith  
TITLE

By \_\_\_\_\_, Deputy.

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that Robert L. Hunt & Roberta A. Hunt

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Travis D. & Faith M. Johnson hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, situated in Klamath County, State of Oregon, described as follows, to-wit:

Lot 21, Block 9, Tract No. 1050, Winema Peninsula Unit 3,  
according to the Official plat thereof on file in the office  
of the County Clerk of Klamath County, Oregon.

Klamath County Tax Account #3407-027DC-00100.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$3000.00. However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☐ the whole (indicate which) consideration. (The sentence between the symbols  $\Phi$ , if not applicable, should be deleted. See ORS 93.030.)

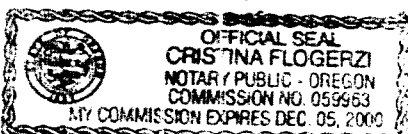
In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN CRS 30.930.

Robert L. Hunt  
Roberta A. Hunt

STATE OF OREGON, County of Klamath  
This instrument was acknowledged before me on May 19, 1999  
by Robert L. & Roberta A. Hunt  
This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_  
by \_\_\_\_\_  
as \_\_\_\_\_



Cristina Flogerzi  
Notary Public for Oregon  
My commission expires 12/05/00

cl-30