

RE 1999 JUL 15 AM 11:08

Vol M99 Page 28309

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF OREGON, County of Klamath, ss:

I, BLAIR M. HENDERSON

, 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

KAREN WATSON

P. O. Box 183

(First Class and Certified

Lakeview, OR 97630

Mail, Return Receipt #Z065-548-726)

KLAMATH FRUIT & PRODUCE, INC.

3028 Onyx Avenue

(First Class and Certified

Klamath Falls, OR 97603

Mail, Return Receipt #Z065-548-724)

IVAN H. BOLD

P. O. Box 158

(First Class and Certified

Bonanza, OR 97623

Mail, Return Receipt #Z065-548-725)

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 Blair M. Henderson

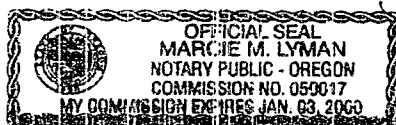
, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on March 16, 1999. With respect to each person listed above, one such notice was mailed 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.

\*\*and Notice of Default  
and Election to Sell

BLAIR M. HENDERSON

Subscribed and sworn to before me on March 16, 1999



Marcie M. Lyman  
Notary Public for Oregon. My commission expires Jan. 3, 2000

**AFFIDAVIT OF MAILING TRUSTEE'S  
NOTICE OF SALE**

RE: Trust Deed from

KAREN WATSON

Grantor

TO

BLAIR M. HENDERSON

Successor Trustee

AFTER RECORDING RETURN TO

BLAIR M. HENDERSON, ATTY.  
426 Main Street  
Klamath Falls, OR 97601

(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

ON

## TRUSTEE'S NOTICE OF SALE

28310

Reference is made to that certain trust deed made by Karen Watson

....., as grantor, to  
Aspen Title & Escrow, Inc., as trustee, Blair M. Henderson, successor trustee,  
 in favor of Longhorn Restaurant and Saloon, Inc., as beneficiary,  
 dated April 14, 1998, recorded April 16, 1998 in the mortgage records of  
Klamath County, Oregon, in ~~book~~ book ~~426~~ 426 volume No. M98 at page 12714, or  
 as fee/file/instrument/microfilm/reception No. n/a (indicate which), covering the following described real  
 property situated in said county and state, to-wit:

See Exhibit 1, attached hereto and by this reference incorporated 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:

See Exhibit 2, Section A, attached hereto and by this reference incorporated herein.

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:

See Exhibit 2, Section B, attached hereto and by this reference incorporated herein.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 4, 1999, at the hour of 11:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at front of the office of Blair M. Henderson, 426 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 36.753 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 March 9, 1999BLAIR M. HENDERSONSuccessor Trustee

Trustee

State of Oregon, County of \_\_\_\_\_ ss:

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

\_\_\_\_\_  
Attorney for said 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: \_\_\_\_\_

## DESCRIPTION OF PROPERTY

## PARCEL 1:

The West 25 feet of the following described property, in the County of Klamath, State of Oregon:

Commencing at the Southeast corner of Block 12, FIRST ADDITION TO THE TOWN OF BONANZA and running thence West along the South line of said Block, a distance of 75 feet; thence North a distance of 48' 3½" more or less to the Southeast corner of parcel conveyed to Bray in Book 163 at page 253, Deed Records; thence East along the South line of said Bray Parcel to the Southeasterly line of said Block 12; thence Southwesterly a distance of 58' 6½" more or less to the point of beginning.

## PARCEL 2:

That part of Block 12, FIRST ADDITION TO BONANZA, IN THE County of Klamath, State of Oregon, described as follows:

Commencing at a point in the Southeasterly line of Block 12 of First Addition to Bonanza which point is in the intersection of the Southeasterly line of said Block 12 with the centerline of the Southerly wall of the building located on the premises herein describe and which said point is North 33-3/4° East 58 feet 6½ inches, more or less from the Southeast corner of said Block 12; thence continuing North 33-3/4° East along the said Southeasterly line of said Block 12, 31 feet 6½ inches, more or less, to the North line of said building, and being the East and West centerline of said Block 12; thence Westerly parallel with the South line of said Block a distance of 124.74 feet; thence South 25 feet 4½ inches; thence East to the place of beginning.

## PARCEL 3:

Beginning at the Northeast corner of Block 12 of the FIRST ADDITION TO THE TOWN OF BONANZA, OREGON; thence West 170 feet; thence Southerly 75 feet; thence Easterly 120 feet; thence Northeasterly 90 feet to beginning, being the N½ of Block 12, LESS the Westerly 80 feet described in Book 33 at page 316, Deed Records, LESS description in Book 42 at Page 539, Deed Records of Klamath County, Oregon.

## PARCEL 4:

Commencing at the Southeast corner of Block 12, FIRST ADDITION TO TOWN OF BONANZA and running thence West along the South line of said block a distance of 75 feet; thence North a distance of 48' 3½" more or less to the Southeast corner of parcel conveyed to Bray in Book 163 at Page 253, Deed Records; thence East along the South line of said Bray parcel to the Southeasterly line of said Block 12; thence Southwesterly a distance of 58' 6½" more or less, to the point of beginning.

EXCEPTING THEREFROM the West 25 feet to the hereinabove described property measured parallel to the Westerly boundary.

**SECTION A:**

## 1. Delinquent installments as follows:

- a. December 16, 1998, in the amount of \$2,500.00
- b. January 16, 1999, in the amount of \$2,500.00
- c. February 16, 1999, in the amount of \$2,500.00

## 2. Delinquent taxes as follows:

## a. Taxes for the year 1998-99:

Tax Amount : \$103.15  
 Unpaid balance : \$103.15, plus interest, if any  
 Code No. : 11  
 Account No. : 3911-10CA-5500  
 Key No. : 606516

## b. Taxes for the year 1998-99:

Tax Amount : \$777.84  
 Unpaid balance : \$777.84, plus interest, if any  
 Code No. : 11  
 Account No. : 3911-10CA-5600  
 Key No. : 606507

## c. Taxes for the year 1998-99:

Tax Amount : \$13.06  
 Unpaid balance : \$13.06, plus interest, if any  
 Code No. : 11  
 Account No. : 3911-10CA-5800  
 Key No. : 606525

## 3. Delinquent sewer taxes with the City of Bonanza in the sum of \$504.00, plus interest, if any.

**SECTION B:**

## 1. Principal balance of \$140,320.47, plus interest at the rate of 8% per annum from December 16, 1998, until paid; plus the following delinquent taxes:

## a. Taxes for the year 1998-99:

Tax Amount : \$103.15  
 Unpaid balance : \$103.15, plus interest, if any  
 Code No. : 11  
 Account No. : 3911-10CA-5500  
 Key No. : 606516

## b. Taxes for the year 1998-99:

Tax Amount : \$777.84  
 Unpaid balance : \$777.84, plus interest, if any  
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 Unpaid balance : \$13.06, plus interest, if any  
 Code No. : 11  
 Account No. : 3911-10CA-5800  
 Key No. : 606525

## 3. Delinquent sewer taxes with the City of Bonanza in the sum of \$504.00, plus interest, if any.

28313

75883

99 MAR -9 P2:05

Vol. 1999 Page 8340

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by KAREN WATSON

Aspen Title & Escrow, Inc., as trustee, Blair M. Henderson, as grantor, to  
 in favor of Longhorn Restaurant and Saloon, Inc., as trustee, successor  
 dated April 14, 1998, recorded April 16, 1998, as beneficiary,  
Klamath County, Oregon, in BOOK/REEL volume No. M98, in the mortgage records of  
 fee/file/instrument/microfilm/reception No. n/a at page 12714, or as  
 property situated in the above-mentioned county and state, to-wit:

See Exhibit 1, attached hereto and by this reference incorporated herein.

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of a successor trustee have been made except as recorded in the mortgage records of the county or counties in which the above-described real property is situated, further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by the grantor or other person owing an obligation, the performance of which is secured by the trust deed, or by the successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision; the default for which foreclosure is made is grantor's failure to pay when due the following sums:

See Exhibit 2, Section A, attached hereto and by this reference incorporated herein.

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

See Exhibit 2, Section B, attached hereto and by this reference incorporated herein.

— OVER —

NOTICE OF DEFAULT  
AND ELECTION TO SELL

Re: Trust Deed from

KAREN WATSON

Grantor

TO

BLAIR M. HENDERSON,

Successor Trustee

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

BLAIR M. HENDERSON, ATTY.426 Main StreetKlamath Falls, OR 97601SPACE RESERVED  
FOR  
RECORDER'S USE

STATE OF OREGON,

County of        } GS.

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/instru-  
 ment/microfilm/reception No.       .  
 Record of Mortgages of said County.

Witness my hand and seal of  
 County affixed.

NAME

TITLE

By       , Deputy

K53704

28314

8341

Notice hereby is given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which the grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest the grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The sale will be held at the hour of 11:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on August 4, 1999, at the following place: front of the office of Blair M. Henderson, 426 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to the grantor or of any lessee or other person in possession of or occupying the property, except:

NAME AND LAST KNOWN ADDRESS

NATURE OF RIGHT, LIEN OR INTEREST

Klamath Fruit & Produce, Inc.  
3028 Onyx Avenue  
Klamath Falls, OR 97603

Judgment in the amount of \$811.51,  
plus interest and costs, if any.  
Entered: September 14, 1998  
Debtor: Gary Epperson dba Longhorn  
Restaurant

Ivan H. Bold  
P. O. Box 158  
Bonanza, OR 97623

Interest contained in Deed dated  
January 19, 1979; recorded January  
January 23, 1979, Volume M79, Page  
1973, from Betty J. Cochran to  
Ivan H. Bold and Orvel D. Beard.  
(Parcel 1)

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 the 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 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED March 8, 1999

BLAIR M. HENDERSON

Successor Trustee

Trustee

Beneficiary

(state which)

STATE OF OREGON, County of Klamath ss.

This instrument was acknowledged before me on March 8, 1999,

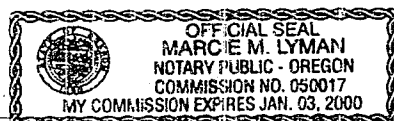
by BLAIR M. HENDERSON

This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_,

by \_\_\_\_\_

as \_\_\_\_\_

of \_\_\_\_\_



Marcie M. Lyman

Notary Public for Oregon

My commission expires Jan 3, 2000

## DESCRIPTION OF PROPERTY

## PARCEL 1:

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## PARCEL 2:

That part of Block 12, FIRST ADDITION TO BONANZA, IN THE County of Klamath, State of Oregon, described as follows:

Commencing at a point in the Southeasterly line of Block 12 of First Addition to Bonanza, which point is in the intersection of the Southeasterly line of said Block 12 with the centerline of the Southerly wall of the building located on the premises herein described and which said point is North 33-3/4° East 58 feet 6½ inches, more or less from the Southeast corner of said Block 12; thence continuing North 33-3/4° East along the said Southeasterly line of said Block 12, 31 feet 6½ inches, more or less, to the North line of said building, and being the East and West centerline of said Block 12; thence Westerly parallel with the South line of said Block a distance of 124.74 feet; thence South 26 feet 4½ inches; thence East to the place of beginning.

## PARCEL 3:

Beginning at the Northeast corner of Block 12 of the FIRST ADDITION TO THE TOWN OF BONANZA, OREGON; thence West 170 feet; thence Southerly 75 feet; thence Easterly 120 feet; thence Northeasterly 90 feet to beginning, being the N½ of Block 12, LESS the Westerly 80 feet described in Book 33 at page 316, Deed Records, LESS description in Book 42 at Page 539, Deed Records of Klamath County, Oregon.

## PARCEL 4:

Commencing at the Southeast corner of Block 12, FIRST ADDITION TO TOWN OF BONANZA and running thence West along the South line of said block a distance of 75 feet; thence North a distance of 48' 3½" more or less to the Southeast corner of parcel conveyed to Bray in Book 163 at Page 253, Deed Records; thence East along the South line of said Bray parcel to the Southeasterly line of said Block 12; thence Southwesterly a distance of 58' 6½" more or less, to the point of beginning.

EXCEPTING THEREFROM the West 25 feet to the hereinabove described property measured parallel to the Westerly boundary.

**SECTION A:**

## 1. Delinquent installments as follows:

- a. December 16, 1998, in the amount of \$2,500.00
- b. January 16, 1999, in the amount of \$2,500.00
- c. February 16, 1999, in the amount of \$2,500.00

## 2. Delinquent taxes as follows:

## a. Taxes for the year 1998-99:

Tax Amount : \$103.15  
 Unpaid balance : \$103.15, plus interest, if any  
 Code No. : 11  
 Account No. : 3911-10CA-5500  
 Key No. : 606516

## b. Taxes for the year 1998-99:

Tax Amount : \$777.84  
 Unpaid balance : \$777.84, plus interest, if any  
 Code No. : 11  
 Account No. : 3911-10CA-5600  
 Key No. : 606507

## c. Taxes for the year 1998-99:

Tax Amount : \$13.06  
 Unpaid balance : \$13.06, plus interest, if any  
 Code No. : 11  
 Account No. : 3911-10CA-5800  
 Key No. : 606525

## 3. Delinquent sewer taxes with the City of Bonanza in the sum of \$504.00, plus interest, if any.

**SECTION B:**

## 1. Principal balance of \$140,320.47, plus interest at the rate of 8% per annum from December 16, 1998, until paid; plus the following delinquent taxes:

## a. Taxes for the year 1998-99:

Tax Amount : \$103.15  
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 Code No. : 11  
 Account No. : 3911-10CA-5500  
 Key No. : 606516

## b. Taxes for the year 1998-99:

Tax Amount : \$777.84  
 Unpaid balance : \$777.84, plus interest, if any  
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## c. Taxes for the year 1998-99:

Tax Amount : \$13.06  
 Unpaid balance : \$13.06, plus interest, if any  
 Code No. : 11  
 Account No. : 3911-10CA-5800  
 Key No. : 606525

## 3. Delinquent sewer taxes with the City of Bonanza in the sum of \$504.00, plus interest, if any.

EXHIBIT " 2 "

Page 1 of 1



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8343-A

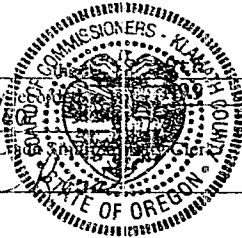
STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of First American Title day  
of March A.D., 1999 at 2:05 o'clock P. M., and duly  
of Mortgages on Page 8343

FEE \$30.00

INDEXED  
D✓ L✓

by Kathleen



State of Oregon, County of Klamath  
Recorded 7/15/99, at 11:28 a. m.  
In Vol. M99 Page 28309  
Linda Smith,  
County Clerk Fees \$50.00