1999 AUG -4 FM 3 18

MC 46846 TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by David Wesley Sexton and Pamela Sue Sexton, an estate in fee simple as tenants by the entirety, as grantor, to Lucy E. Kivel, Esq., as trustee, in favor of TMS Mortgage, Inc., dba The Money Store, as beneficiary, dated 9/12/96, recorded 9/17/96, in the mortgage records of Klamath County, Oregon, in Volume M96, Page 29390 and subsequently assigned to Bank of New York as Trustee under the Pooling and Servicing Agreement dated as of August 31, 1996. Series 1996-C by Assignment, covering the following described real property situated in said county and state, to wit:

The North 70 feet of Lot 387 in Block 113, Mills Addition to the City of Klamath Falls, according to the Official File in the Office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 605 Martin Street Klamath Falls. OR 97601

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 \$430.07 beginning 4/1/98; plus late charges of \$21.50 each month beginning 4/16/98: plus prior accrued late charges of \$0.00; plus advances of \$135.00; 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: \$45,217.06 with interest thereon at the rate of 10.9 percent per annum beginning 3/1/98; plus late charges of \$21.50 each month beginning 4/16/98 until paid; plus prior accrued late charges of \$0.00; plus advances of \$135.00; 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 8/6/99 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.

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 4/6 1999

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.7152.20216/Sexton, David Wesley and Pamela Sue

State of Washington, County of King) ss:

l, 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 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:

David Wesley Sexton 605 Martin Street Klamath Falls, OR 97601

David Wesley Sexton 1174 Sequioia Street Klamath Falls, OR 97601-3450

City of Klamath Falls Police Dept. Code Enforcement P.O. Box 23? Klamath Falls, OR 97601

Pamela Sue Sexton 605 Martin Street Klamath Falls, OR 97601

Pamela Sue Sexton 1124 Sequioia Street Klamath Fails, OR 97601-3450

Klamath County 500 Klamath Avenue 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 scaled envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 4.7.1.2. 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 $\sqrt{-7}$ 199 9 8 by

Notary Public for Washington

Residing at My commission expires:

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from Sexton, David Wesley and Pamela Suc Grantor

to

DAVID E. FENNELL.

Trustee

File No. 7152,20216

After recording return to:

ROUTH CRABTREE & FENNELL Attn: B J Ruhi PO Box 4143 Bellevue, WA 98009-4143

AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON)
) ss.
County of Klamath)

I, Jeffrey K. Hamar, 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 7th day of April, 1999, after personal inspection, I found the following described real property to be unoccupied:

The North 70 feet of Lot 387 in Block 113, Mills Addition to the City of Klamath Falls, according to the Official File in the Office of the County Clerk of Klamath County, Oregon.

Commonly known as:

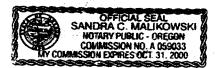
605 Martin Street

Klamath Falls, Oregon 97601

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

Lefter X Human 171807

SUBSCRIBED AND SWORN to before me this 2 day of April, 1999.



Notary Public for Oregon

Recei Affidavit of Publication

STATE OF OREGON. Routh COPNTY OF KLAMATH

I, Larry L. Wells, Business Manager, being first duly sworn, despose 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 #2387
TRUSTEE'S NOTICE OF SALE
a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for FOUR
$(\underline{4})$ insertion(s) in the following issues:
JUNE 20/27
JULY 4/11, 1999
Total Cost: \$729.00
Total Cost: \$729.00
Total Cost: \$729.00 Lang Descelle
Total Cost: \$729.00 Sury Subscribed and sworn before me this 11TH
Total Cost: \$729.00 Lang Descelle
Total Cost: \$729.00 Subscribed and sworn before me this 11TH day of JULY 1999
Total Cost: \$729.00 Sury Subscribed and sworn before me this 11TH

20.00 My commission expires OFFICIAL SEAL DEBRA A GRIBBLE NOTARY PUBLIC OREGON COMMISSION NO. 051091 MY COMMISSION EXPIRES MARCH 15, 2000

TRUSTEE'S NOTICE

Reference trust deed made by David Wesley Sexton and

The North 70 feet described real property amounts provided by of Lot 387 in Block 113, and its interest therein, said ORS 86.753.

Mills Addition to the City of Klamath Falls. cial File in the Office of the County Clerk of Klamath County, Oregon. PROPERTY

ys; plus prior accrued from of the trust deed, Bellevie, WA 9809-4143 late charges of \$0.00; to satisfy, the foregoing (425) 584-1900 plus advances of obligations thereby se File No. 7152.20216/Sex-5135.00; together with cured and the costs and for, David Wesley and title expense, costs, expenses of sale. In Pamela Sue trustee's fees and at-cluding a reasonable former's fees incurred charge by the trustee. State of Washington, nersin by reason of salishetice is bernie; given County of King) ss; default: and any sur-that any sesses named

WHEREFORE, that the undersigned cludes the plural, the trustee will on 8/6/99 at word "grantor" includes the hour of 10:00 any successor in interoclock, A.M. in accord est to the grantor as PROPERTY
ADDRESS:
with the standard of well as any other per605 Martin Street
ime established by son owing an obligation,
Klamath Falls, OR
97601

Both the benefici Klamath County Courtary and the trustee house, 317 South 7th "beneficiary" include
have elected to sell the Street, in the City of their respective sucreal property to satisfy Klamath Falls, County cessors in interest, if
the obligations secured of Klamath, State of any,
by the trust deed and a Oregon, sell at public by the trust deed and a Oregon, sell at public notice of default has auction to the highest DATED April 6, 1999 been recorded pursuant bidder for cash the in-to Oregon Revised Staterest in the described David E. Fennell tutes 86.735(3); the de-real property which the Trustee fault for which the fore- grantor had or had tooling which the fore symmetric convey at the For further tor's failure to pay time of the execution information, when due the following by grantor of the trust please contact: sums: monthly pay deed, together with any ments of \$430.07 begin-interest which the gran-B J Ruhl ments of \$4.80.07 pegin interest which me year by kum ning 4/1/98; plus late for or grantor's succes-ROUTH CRABTREE & charges of \$21.50 each sors in interest acc-FENNELL month beginning 4/16/ quired after the execu-PO Box 4143 98; plus prior accrued tion of the trust deed, Bellevue, WA 98009-4143

ther sums advanced by in ORS 86.753 has the the beneficiary for the right, at any time prior protection of the above to five days before the is described real property date last set for the made to that certain and its interest therein. sale, to have this foreclosure proceeding disreason of said missed an the trust Pamela Sue Sexton, an default the beneficiary deed reinstated by payestate in fee simple as has declared all sums ment to the beneficiary

tenants by the entirety, owing on the obligation of the entire amount as grantor, to Lucy E. secured by the trust then due (other than As grantor, to Lucy E. sector by the first then due (other than kive). Esq., as trustee, deed immediately due such portion of the prin-in favor of TMS Mort, and payable, said sums cipal as would not then gage, inc., dba The being the following, to be due had no default Money Store, as bene wit: \$45,217.06 with in occurred) and by cu-Money Store, as bene- wit: \$45,217.06 with in- occurred) and by cuficiary, dated 9/12/96, terest thereon at the ring any other defaultrecorded 9/17/96, in the rate of 10.9 percent per complained of herein
mortgage records of annum beginning 3/1/ that is capable of being
Klamath County, Ore- 98; plus late charges of cured by tendering the
gon, in Vol. M96, Page \$21.50 each menth be-performance required
29390 and subsequently ginning 4/16/98 until under the obligation or
assigned to Bank of paid; plus prior act rust deed, and in addiNew York as Trustee crued late charges of tion to paying said sums
under the Pooling and \$0.00; plus advances of or tendering the perforServicing Agreement \$135.00; together with mance necessary to
dated as of August 31, title expense, costs, cure the default, by
1996, Series 1996-C by trustee's fees and atpaying all costs and exAssignment, covering the real property situated default; and any furobligation and trust
in said county and ther sums advanced by deed, together with in said county and ther sums advanced by deed, together with state, to wit: protection of the above fees not exceeding the

In construing this according to the Offi- notice hereby is given notice, the singular in-



State of Oregon, County of Klamath Recorded 8/04/99, at 3.18 p. m. In Vol. M99 Page 3/272 Linda Smith, County Clerk Fee\$ 30 ~ KM