

1999 AUG -4 PM 3:18

MTC 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, 19 99


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:

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 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.

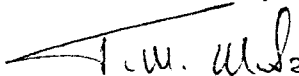
I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

David Wesley Sexton
605 Martin Street
Klamath Falls, OR 97601Pamela Sue Sexton
605 Martin Street
Klamath Falls, OR 97601David Wesley Sexton
1124 Sequoia Street
Klamath Falls, OR 97601-3450Pamela Sue Sexton
1124 Sequoia Street
Klamath Falls, OR 97601-3450City of Klamath Falls Police Dept.
Code Enforcement
P.O. Box 237
Klamath Falls, OR 97601Klamath County
500 Klamath Avenue
Klamath Falls, OR 97601

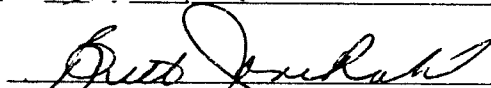
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or 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 sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 4-7-93. 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 4-7, 1993, by Jim M. Murtat


Notary Public for Washington
Residing at Bellevue
My commission expires: 5/2/94

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from
Sexton, David Wesley and Pamela Sue
Grantor
to
DAVID E. FENNELL,
Trustee

File No. 7152.20216

After recording return to:

ROUTH CRABTREE & FENNELL
Attn: B J Ruhl
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.

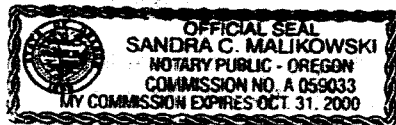
Commonly known as: 605 Martin Street
Klamath Falls, Oregon 97601

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

Jeffrey K. Hamar

171807

SUBSCRIBED AND SWORN to before me this 8 day of April, 1999.



Sandra C. Malukowski
Notary Public for Oregon

Received

Affidavit of Publication

31276

JUL 06 1999

STATE OF OREGON, COUNTY OF KLAMATH

Routh

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 #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

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

JUNE 20/27

JULY 4/11, 1999

Total Cost: \$729.00

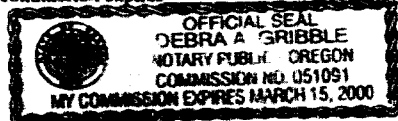
Larry L. Wells

Subscribed and sworn before me this 11TH
day of JULY 1999

Debra A. Grubbe

Notary Public of Oregon

My commission expires 3-15 2000



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 Vol. 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 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; to satisfy the foregoing plus advances of obligations thereby secured and the costs and title expense, costs, trustee's fees and attorney's fees incurred by the trustee, State of Washington, herein by reason of said Notice to further given County of King) ss: default; and any fur that any person named

ther 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 attorney's fees incurred by the trustee, State of Washington, 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, In construing this notice hereby is given notice, the singular in that the undersigned trustee will on 8/6/99 at the hour of 10:00 o'clock, A.M. in accordance with the standard of time established by ORS 187.110, at the following place: inside the 2nd floor lobby of the Klamath County Court-house, 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 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 title expense, costs, trustee's fees and attorney's fees incurred by the trustee, State of Washington, herein by reason of said Notice to further given County of King) ss: default; and any fur 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 the trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

DATED April 6, 1999

David E. Fennell
Trustee

For further information, please contact:

B J Ruhi
ROUTH CRABTREE & FENNELL
PO Box 4143
98009-4143

(425) 586-1990
File No. 7152.20214/Sex-
ton, David Wesley and Pamela Sue

State of Washington, County of King) ss: default; and any fur that any person named

31277

State of Oregon, County of Klamath
Recorded 8/04/99, at 3:18 p. m.
In Vol. M99 Page 31272
Linda Smith,
County Clerk Fee \$ 30 - 00