

1997 SEP 21 AM 11:39

NTC 47733
TRUSTEE'S NOTICE OF SALE

Vol M99 Page 37515

Reference is made to that certain trust deed made by Chris D. Ackerman and Naomi Anne Ackerman, as joint tenants, as grantor, to Aspen Title Escrow, as trustee, in favor of Home America Financial Services, Inc., a delaware corporation, as beneficiary, dated 8/24/98, recorded 8/31/98, in the mortgage records of Klamath County, Oregon, in Vol. M98, Page 32034 and subsequently assigned to Aurora Loan Services, Inc., covering the following described real property situated in said county and state, to wit:

The North 80 feet of Lot 510, Block 102, Mills Addition to the City of Klamath Falls, in the County of Klamath, State of Oregon.

PROPERTY ADDRESS: 2004 Garden Avenue
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 \$400.69 beginning 10/1/98; plus late charges of \$20.03 each month beginning 10/16/98; plus prior accrued late charges of \$0.00; plus advances of \$17.90; 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: \$46,400.00 with interest thereon at the rate of 9.81 percent per annum beginning 9/1/98; plus late charges of \$20.03 each month beginning 10/16/98 until paid; plus prior accrued late charges of \$0.00; plus advances of \$17.90; 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 9/24/99 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.

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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 5-24, 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. 7228.20193/Ackerman, Chris D. and Naomi Anne

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:

Chris D. Ackerman
2004 Garden Avenue
Klamath Falls, OR 97601

Naomi Anne Ackerman
2004 Garden Avenue
Klamath Falls, OR 97601

Home America Financial Services, Inc.
7340 Shadeland Station, Suite 100
Indianapolis, IN 46256

Home America Financial Services, Inc.
39300 Civic Center Drive, #180
Fremont, CA 94538

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 5/26/99. 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 5/26, 1999, by Tim M. Murtz

David E. Fennell
Notary Public for Washington

Residing at Bellevue, WA

My commission expires: 5/2/00

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from
Ackerman, Chris D. and Naomi Anne
Grantor

to
DAVID E. FENNELL,
Trustee

File No. 7228.20193

After recording return to:

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



Affidavit of Publication

37519

STATE OF OREGON, COUNTY OF KLAMATH

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 #2411

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:

JULY 1/8/15/22, 1999

Total Cost: \$621.00

Larry L. Wells

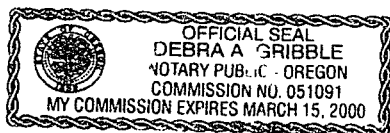
Subscribed and sworn before me this 22ND

day of JULY 19 99

Debra A. Gribble

Notary Public of Oregon

My commission expires 3-15 20 00



TRUSTEE'S NOTICE OF SALE

By reason of said deed reinstated by pay-
default the beneficiary ment to the beneficiary
has declared all sums of the entire amount
Reference is made to owing on the obligation then due (other than
that certain trust deed secured by the trust: such portion of the
made by Chris D. Ack- deed immediately due principal as would not
erman and Naomi Anne and payable, said sums then be due had no de-
Ackerman, as joint ten- being the following, to fault occurred) and by
ants, as grantor, to As- wit: \$46,400.00 with in- curing any other de-
pen Title Escrow, as terest thereon at the fault complained of
trustee, in favor of rate of 9.81 percent per herein that is capable
Home America Finan- annum beginning 9/1 of being cured by ten-
cial Services, Inc., a 98; plus late charges of dering the performance
Delaware corporation, \$20.03 each month be required under the obli-
as beneficiary, dated 8/ ginning 10/16/98 unti- gation or trust deed,
24/98, recorded 8/31/98, paid; plus prior ac- and in addition to pay-
in the mortgage cured late charges of ing said sums or tender-
records of Klamath 30.00; plus advances of ing the performance
County, Oregon, in vol \$17.90; together with ti- necessary to cure the
M99, Page 32034, and the expense, costs, trust- default, by paying all
consequently assigned- fee's fees and attorneys costs and expenses ac-
to Aurora Loan Servic fees incurred herein by tually incurred in en-
Inc., covering the reason of said default, forcing the obligation
following described real and any further sums and trust deed, together
property situated in advanced by the bene- with trustee's and at-
said county and state, ficiary for the protec- torney's fees not ex-
to wit: tion of the above de- ceeding the amounts
scribed real property provided by said ORS

The North 80 feet and its interest therein, 86.753.

WHEREFORE, In construing this
Mills Addition to the notice hereby is given notice, the singular in-
City of Klamath Falls that the undersigned cludes the plural, the
in the County of Klamath, State of Oregon. trustee will on 9/24/99 word "grantor" includes

PROPERTY AD-A.M. In accord with the est to the grantor as
DRESS: 2004 Garden standard of time estab- well as any other per-
Avenue lished by ORS 187.110, son owing an obligation,

K l a m a t h the following place: the performance of
Falls, OR 97601 inside the 2nd floor lob- which is secured by

Both the beneficiary County Courthouse, 317 words "trustee" and
and the trustee have South 7th Street, in the "beneficiary" include
elected to sell the real City of Klamath Falls, their respective suc-
property to satisfy the County of Klamath, cessors in interest, if
obligations secured by State of Oregon, sell at any.

the trust deed and a no-public auction to the

lice of default has been highest bidder for cash DATED: May 25, 1999

recorded pursuant to the interest in the de- David E. Fennell

Oregon Revised Sta- scribed real property Trustee

tutes 86.735(3); the de- which the grantor had #2411 July 1, 8, 15, 22

fault for which the fore- or had power to convey

closure is made is gran- at the time of the ex-

ors failure to pay when cution by grantor of the

due the following sums: trust deed, together

monthly payments of with any interest which

\$400.69 beginning 10/1/ the grantor or grantor's

98; plus late charges of successors in interes'

\$20.03 each month be- acquired after the exe-

ginning 10/16/98; plus cution of the trust deed.

prior accrued late to satisfy the foregoing

charges of \$0.00; plus obligations thereby se-

advances of \$17.90; to- cured and the costs and

gether with title ex- penses of sale, in-

pen- se, costs, trustee's cluding a reasonable

fees and attorney's fees charge by the trustee.

incurred herein by rea- Notice is further given

son of said default; and that any person named

any further sums ad in ORS 86.753 has the

vanced by the beneficiary, at any time prior

ary for the protection to five days before the

of the above described date last set for the

real property and its in sale, to have this fore-

terest therein closure proceeding dis-

missed and the trust

Receiver

AUG 16 1999

Ruth Crabtree & Fennell

State of Oregon, County of Klamath
Recorded 9/21/99, at 11:39 a. m.
In Vol. M99 Page 37515

Linda Smith,

County Clerk

Fees 30⁰⁰