

1999 SEP 21 11:11:39

MTC 47891

Vol M99 Page 37520

**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:

Larry L. Chamberlain  
147021 Bills Road  
Gilchrist, OR 97737

Shirley M. Chamberlain  
147021 Bills Road  
Gilchrist, OR 97737

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 9/16/99. 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 9/16/99, by Tim M. Murta

Julieth Donato  
Notary Public for Washington  
Residing at Bellevue  
My commission expires: 3-17-03

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

RE: Trust Deed from  
Chamberlain, Larry L. and Shirley M.  
Grantor

to  
DAVID E. FENNELL,  
Trustee

File No. 7248.20079

After recording return to:

ROUTH CRABTREE & FENNELL  
Attn: Bethany Lawler  
PO Box 4143  
Bellevue, WA 98009-4143

JULIETH DONATO  
STATE OF WASHINGTON  
NOTARY --- PUBLIC  
MY COMMISSION EXPIRES 3-17-03

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## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Larry L. Chamberlain and Shirley M. Chamberlain, as tenants by the entirety, as grantor, to Klamath County Title Company, as trustee, in favor of North American Mortgage Company, as beneficiary, dated 4/20/98, recorded 4/29/98, in the mortgage records of Klamath County, Oregon, in Volume M98, Page 14284 and subsequently assigned to ContiMortgage Corporation by Assignment recorded as Volume M99, Page 6806, covering the following described real property situated in said county and state, to wit:

Lot 12 in Block 7 of Jack Pine Village, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 147021 Bills Road  
Gilchrist, OR 97737

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 \$563.46 beginning 9/1/98, plus late charges of \$25.54 each month beginning 1/16/99; plus prior accrued late charges of \$0.00; plus advances of \$100.25, 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: \$61,774.80 with interest thereon at the rate of 10.45 percent per annum beginning 8/1/98; plus late charges of \$25.54 each month beginning 1/16/99 until paid; plus prior accrued late charges of \$0.00; plus advances of \$100.25; 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.

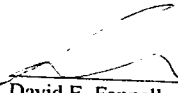
WHEREFORE, notice hereby is given that the undersigned trustee will on 10/15/99 at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 2nd floor lobby of the Klamath County Courthouse, 317 South 7th Street, in the City of 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.

37522

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

6/8/99

  
David E. Fennell -- Trustee

For further information, please contact:

Bethany Lawler  
ROUTH CRABTREE & FENNELL  
PO Box 4143  
Bellevue, WA 98009-4143  
(425) 586-1900  
File No. 7248.20079/Chamberlain, Larry L. and Shirley M.

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 NON-OCCUPANCY

STATE OF OREGON     )  
                                  ) ss.  
County of Deschutes    )

I, James Durfee, 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 Deschutes 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 17th day of June, 1999, after personal inspection, I found the following described real property to be unoccupied:

Lot 12 in Block 7 of Jack Pine Village, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Commonly known as:     147021 Bills Road  
                                  Gilchrist, Oregon 97737

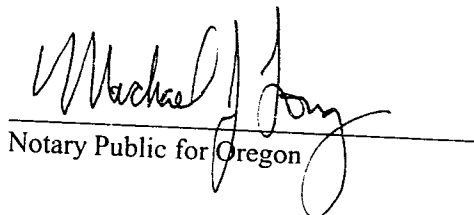
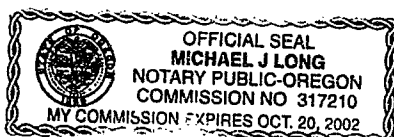
I declare under the penalty of perjury that the above statements are true and correct.



James Durfee

174341

SUBSCRIBED AND SWORN to before me this 23<sup>RD</sup> day of June, 1999.



Notary Public for Oregon

# Affidavit of Publication

37521

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 #2462

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 22/29

AUGUST 5/12, 1999

Received

AUG 16 1999

ROUTED TO: 8 FENNEL

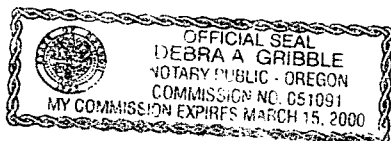
Total Cost: \$675.00

Subscribed and sworn before me this 12TH

day of AUGUST 19 99

Notary Public of Oregon

My commission expires 3-15 20 00



## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Larry L. Chamberlain and Shirley M. Chamberlain, as grantors, the entirety, as grantor, to Klamath County Title Company, as trustee, in favor of North American Mortgage Company, as beneficiary, dated 4/20/98, recorded 4/29/98, in the mortgage records of Klamath County, Oregon, in Volume M98, Page 14284 and subsequently assigned to ContiMortgage Corporation by Assignment recorded as Volume M99, Page 6806, covering the following described real property situated in said county and state, to-wit:

Lot 12 in Block 7 of Jack Pine Village, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 147021 Bills Road Gilchrist, OR 97737

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 trustee has the power to convey the real property which the grantor had or had fault for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$563.46 beginning 9/1/98; plus late charges of \$25.54 each month beginning 1/16/99; plus prior accrued late charges of \$0.00; plus advances of \$100.25; 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 secured by the trust deed immediately due and payable, said sums being the following, to-wit: \$61,774.80 with interest thereon at the rate of 10.45 percent per annum beginning 8/1/98; plus late charges of \$25.54 each month beginning 1/16/99 until paid; plus prior accrued late charges of \$0.00; plus advances of \$100.25; 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.

date last set for the sale, to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount of the entire amount (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 ten-dering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance of the trust deed, cure the default, by paying all costs and expenses actually incurred in enforcing the deed, together with the trustee's and attorney's fees not exceeding the amounts provided by ORS 86.753.

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

DATED: June 8, 1999  
David E. Fennell  
Trustee

For further information, please contact:  
Bethany Lawler  
ROUTH CRABTREE & FENNEL  
P.O. Box 4143  
Bellevue, WA 98009-4143  
(425) 586-1900  
File No. 7248.20079/99; plus prior accrued late charges of \$0.00; plus advances of \$100.25; 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.

Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the

State of Oregon, County of Klamath  
Recorded 9/21/99, at 11:39 a.m.  
In Vol. M99 Page 37520  
Linda Smith,  
County Clerk Fee \$ 30.00