FANNING 80722-32625

K54089

AFFIDAVIT OF MAILING - TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON)

COUNTY OF K I N G)

I, <u>Jeff Frazier</u>, 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 made by GARY L. FANNING, SR. AND SANDRA E. FANNING, AS TENANTS BY THE ENTIRETY as grantor, to AMERITITLE as Trustee, in favor of WASHINGTON MUTUAL BANK, as beneficiary, dated December 26, 1996, and recorded December 31, 1996, in the mortgage records of Klamath County, Oregon, as Fee No. Volume M96, Page 40484, and covers the real property described in the attached 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

OCCUPANTS

1811 CREST KLAMATH FALLS, OR 97603

GARY LEE FANNING, SR. SANDRA ELAINE FANNING

1811 CREST KLAMATH FALLS, OR 97603

1849 N. ELDORADO AVE. KLAMATH FALLS, OR 97601

KLAMATH COUNTY TAX COLLECTOR

305 MAIN ST. KLAMATH FALLS, OR 97601

KLAMATH IRRIGATION DISTRICT

6640 KID LANE KLAMATH FALLS, OR 97603

The above 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.*

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

(Affiant) Trayin

160,

Subscribed and sworn to before me this 9th day of Jave, 19

S SSION STORY BY THE STORY BY T

Christopher S. Ashcraft
Notary Public in and for the State of
Washington, residing at: Seattle
My Commission Expires: 3/9/02

RECORDED AT THE REQUEST OF H&L Services, Inc., Trustee 1111 Third Avenue. #3400 Seattle, WA 98101

FANNING 80722-32625

AFFIDAVIT OF SUPPLEMENTAL MAILING - TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON)
COUNTY OF K IN G)s
COUNTROLATION)

Jeff Frazier 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 ramed in the attached original notice of sale given under the terms of that certain deed made by GAFY L. FANNING, SR. AND SANDRA E. FANNING, AS TENANTS BY THE ENTIRETY as grantor, to AMERITITLE as Trustee, in favor of WASHINGTON MUTUAL BANK, as beneficiary, dated December 26, 1996, and recorded December 31, 1996, in the mortgage records of Klamath County, Oregon, as Fee No. Volume M96, Page 40484, and covers the real property described in the attached 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-

NAME

ADDRESS

OCCUPANTS

1811 CREST KLAMATH FALLS, OR 97063

SANDRA ELAINE FANNING GARY LEE FANNING, SR.

The above 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 in erest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual rotice 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 Steven G. Jones, attorney for the trustee named in the notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in a United States post office at Seittle, Washington, on _________, 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 the notices was/were 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.

on to before me this 2/44 day of

Christopher S. Ashcraft

Notary Public in and for the State of Washington, residing at: Seattle

ALL RIGHTS RESERVED

My Commission Expires: 3/9/02

RECORDED AT THE REQUEST OF H&L Services, Inc., Trustee 1111 Third Avenue. #3400 Seattle, WA 98101

FANNING 80722-32625

AFFIDAVIT OF SUPLLEMENTAL MAILING - TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON)

COUNTY OF K I N G)

I, Jeff Frazier , 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 made by GARY L. FANNING, SR. AND SANDRA E. FANNING, AS TENANTS BY THE ENTIRETY as grantor, to AMERITITLE as Trustee, in favor of WASHINGTON MUTUAL BANK, as beneficiary, dated December 26, 1996, and recorded December 31, 1996, in the mortgage records of Klamath County, Oregon, as Fee No. Volume M96, Page 40484, and covers the real property described in the attached 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-

NAME

ADDRESS

OCCUPANTS SANDRA ELAINE FANNING GARYL LEE FANNING, SR.

1811 CREST STREET KLAMATH FALLS, OR 97603

The above 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 Steven G. Jones, attorney for the trustee named in the notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in a United States post office at Seattle, Washington, on ________, 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 the notices was/were 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.

(Affiant) Manyin

ubscribed and sworn to before me this

to before me this BH day of Jun

Christopher S. Ashcraft
Notary Public in and for the State of
Washington, residing at Seattle

CION, HAL SERVICES BIC

Washington, residing at: Seattle My Commission Expires: 3/9/02 RECORDED AT THE REQUEST OF H&L Services, Inc. 1111 Third Avenue. #3400 Seattle, WA 98101

FANNING 80722-32625

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by GARY L. FANNING, SR. AND SANDRA E. FANNING, AS TENANTS BY THE ENTIRETY, as grantor, to AMERITITLE, as trustee, in favor of WASHINGTON MUTUAL BANK, as beneficiary, dated December 26, 1996, recorded December 31, 1996, in the mortgage records of Klamath County, Oregon, as Fee No. Volume M96, Page 40484, covering the following described real property situated in Klamath County, Oregon, to-wit:

SEE APPENDED LEGAL

commonly known as: 1811 CREST, KLAMATH FALLS, OR 97603

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 86.753(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Failure to pay the following past due amounts, which are in arrears: MONTHLY PAYMENTS:

13 monthly payments at \$1,305.21 each; (May 31, 1998 through June 1, 1999.)

\$16,967.73

LATE CHARGES:

12 late charges of \$65.26 for each monthly payment not made within 15 days of its due date.

783.12

Prior Late Charges:

1,074.10

Other Fees and Costs:

74.25

TOTAL MONTHLY PAYMENTS AND LATE CHARGES:

\$18,899.20

Estimated amount of delinquent taxes for the years 1997-1999; \$2,783.81 (plus interest and penalties).

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, towit:

\$130,306.60 Principal Balance; plus interest thereon at the rate of 11.625% from May 31, 1998 until paid; plus late charges of \$1,857.22 through June 1, 1999; plus \$65.26 for every month thereafter the regular payment is more than 15 days late; plus unpaid real property taxes; plus any reserve account shortage; less any unapplied funds; plus all sums expended by beneficiary to protect is interest during the pendency of this proceeding.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 15, 1999 at the hour of 10:00 o'clock, A.M., in accordance with the standard of time established by ORS 187.110, at the front entrance of the Klamath Courthouse, 317 South 7th Street, 2nd Floor, in the City of Klamath, 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 trust deed, together with any interest which the grantor or the grantor's successors in interest acquired after the execution of grantor 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 the 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: June 1, 1999.

Steven G. Jones, Successor Trustee C/O H&L SERVICES, INC. 1111 THIRD AVENUE, #3400 Seattle, Washington 98104-7006 (206) 386-5470

STATE OF WASHINGTON)
(COUNTY OF K I N G)

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

FOSTER PEPPER & SHEFELMAN PLLC

Attorney for Successor Trustee

EXHIBIT "A" LEGAL DESCRIPTION

A tract of land situated in a portion of Lot 43, Block G, HOMECREST, a duly recorded subdivision in Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Easterly right of way line of Crest Street and the West line of said Lot 43, from which the Southwest corner of said Lot 43 bears South 00 degrees 06' 23" West 75.00 feet; thence North 00 degrees 06' 23" East along said Easterly right of way line 16.00 feet; thence South 89 degrees 53' 37" East, parallel with the South line of said Lot 43, 298.78 feet to the Easterly line of said Lot 43; thence South 00 degrees 04' 34" West 91.00 feet to the Southeast corner of said Lot 43; thence North 89 degrees 53' 37" West along the South line of said Lot 43, 166.61 feet, more or less, to a point South 89 degrees 53' 37" East 132.21 feet from the Southwest corner of said Lot 43; thence North 00 degrees 06' 23" East, parallel with the West line of said Lot 43, 75.00 feet; thence North 89 degrees 53' 37" West 132.21 feet to the point of beginning, with bearings based on the recorded survey map of said Minor Land Partition No. 32-85.

THE PROPERTY INCLUDES A 1995 42 X 66 MOBILE HOME, MANUFACTURER GUERDON, MODEL UNKNOWN, SERIAL NUMBER GDSTOR099517374. THE MOBILE HOME SHALL BE PERMANENTLEY AFFIXED TO THE REAL ESTATE AND NOT SEVERED OR REMOVED THEREFROM WITHOUT THE PRIOR WRITTEN CONSENT OF THE BENEFICIARY. TOGETHER WITH ALL PERSONAL PROPERTY WHICH IS NOW OR MAY HEREAFTER BE ATTACHED TO, LOCATED IN OR USED OR INTENDED TO BE USED IN CONNECTION THEREWITH (COLLECTIVELY "THE PROPERTY").

NOTICE REQUIRED BY THE FAIR DEBT COLLECTION PRACTICES ACT. 15 U.S.C. S 1692

- The amount of the debt is stated in the Trustee's Notice of Sale attached hereto.
- The beneficiary named in the attached Trustee's Notice of Sale is the creditor to whom the debt is owed.
- 3. The debt described in the Trustee's Notice of Sale attached hereto will be assumed to be valid by the trustee unless the debtor, within 30 days after the receipt of this notice disputes the validity of the debt or some portion thereof.
- 4. If the debtor notifies the trustee in writing within 30 days of receipt of this notice that the debt or any portion thereof is disputed, the trustee will provide verification of the debt, and a copy of the verification will be mailed to the debtor by the trustee.
- 5. If the creditor named as beneficiary in the attached Trustee's Notice of Sale is not the original creditor, and if the debtor makes a written request to the trustee within 30 days from receipt of this notice, the name and address of the original creditor will be mailed to the debtor by the trustee.
- Written requests or objections should be addressed to: Steven G. Jones, C/O H&L Services, Inc., 1111 3rd Avenue, Suite 3400, Seattle, WA 98101.

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 11th day of June, 1999, after personal inspection, I found the following described real property to be unoccupied:

SEE ATTACHED EXHIBIT

Commonly known as:

1811 Crest

Klamath Falls, Oregon 97603

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

of to \$85.00

Settley K. Hamar 174113

SUBSCRIBED AND SWORN to before me this 16 day of June, 1999.



Notary Public for Oregon

Affidavit of Publication

STATE OF OREGON, COUNTY 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 # 2525 Trustee's Notice 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: September 1, 8, 15, 22, 1999 Total Cost: \$1,107,00 Subscribed and swom before me this_ day of September

OFFICIAL SEAL DEBRA A. GRIBBLE NOTARY PUBLIC - OREGON STANDS SHOWNO 051091 1 1 RES WE ICH 15, 2000 Color Brand Brand

My commission expires March 15, 2000

Notary Public of Oregon

AS TENANTS BY THE THE MOBILE HOME ENTIRETY, as grantor SHALL BE PERMATOR AMERITITLE, as NENTLY AFFIXED TO TRUSTER, In favor of THE REAL ESTATE WASHINGTON MU-AND NOT SEVERED TO TUAL BANK, as bene: OR REMOVED TICIARY, dated December THEREFROM WITH-ber 26, 1996, recorded OUT THE PRIOR December 31, 1996, in WRITTEN CONSENT THE morrigage records OF THE BENEFICIOR Klamath County, Cr.-ARY. TOGETHER egon, as Fee No. Vo. WITH ALL PERSONAL lume M96, Page 104840 PROPERTY WHICH IS covering the following NOT OR MAY HERE-described real property AFTER. described real property AFTER BE AT-situated in Klamath TACHED TO, LOCAT-

County, Oregon, to-wit: ED IN OR USED OR
A tract of land USED IN CONNECsituated in a portion of TION THEREWITH
Lot 4), Block G, HOME - (COLLECTIVELY CREST, a duly record- "THE PROPERTY").
ed subdivision in Kiamath County, Oregon, Commonly known as more particularly, de- 1811 CREST, KLA-scribed as follows: MATHS FAULS, OREscribed as follows:

Beginning at a point on the baseful Both the beneficiary right of way line of and the trustee have erly line of said Lot 43: lowing past due thence South 00 de amounts, which are in grees 04: 34* West 91:00 arrears: teer to the Southeast corner of said Lot 43; thence North 89 de-grees 53" 37" West along the South line of sald Lot 43, 166.61 feet, \$1,305.21 each; more or less, to a point South 89 degrees 53' 37" June 1, 1999) East 132.21 feet from \$16,967.73 the Southwest corner of said Lot 43; thence LATE CHARGES:
North 00 degrees 06' 23"
East, parallel with the 112 late charges of \$65.26
West line of said Lot 43; for each, monthly, pay.
75.00 feet; thence North ment not made within 89 degrees 53' 37". West 15 days of its due date:

TRUSTEE'S NOTICE THE PROPERTY
OF SALE
INCLUDES: A 1995 42 X
66 MOBILE HOME,
Reference Is made to MANUFACTURER
that certain trust deed GUERDON, MODEL
made by GARY L. UNKNOWN, SERIAL
FANNING, SR, and N. U. M. B. E. R
SANDRA E. FANNING, GDSTOR0199517374,
ENTIRETY AS GRAND SHALL BE PERMA

GON 97603 THE SALE STATE

right of way the of and the floare have Crest Street and the elected to sell the said West line of said Lot 43, real property, to salisty from which the South the obligations secured west corner of said Lot by said frust deed and a 43 bears South 00 de notice of default has grees 04' 23' West 75.00 been recorded pursuant feet; thence North 00 to Oregon Revised Sta-degrees 061 23 East tutes 86.753(3); the dealong said Easterly fault for which the fore; right of way line 16:00 closure is made is gran-feet; thence South 89 for's fallure to pay

13 monthly payments at

TOTAL MONTHLY LATE CHARGES:

Estimated amount of delinquent taxes for the years 1997-1999: \$2,783.81 (plus interes) and penalties).

By reason of said default the teneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, sald sums being the following, to-

\$130,306.60 Principal Balance; plus interest thereon at the rate of 1998 until paid; plus late charges of \$1,857.22 through June 1, 1999; plus \$65.28 for every month thereafter the regular phyment is more than 15 days late; plus unpaid real property taxes; plus any reserve account short age; less any unapplied funds; plus all sums ex-perided by beneficiary to protect its interest during the pendency of this proceeding.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 15, 1999 at the hour of 10,00 o'clock, A./A.>, In accordance with the stan-dard of time estab-lished by ORS 187:110. at the front entrance of the Klamath Court-house, 317 South 7th Street, 2nd Floor, in the City of Klamath, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said doscribed real property, which the grantor had or had power to convey at the time of the exe-cution by granter of the trust deed together with any interest which the grantor or the grantor's successors in interest acquired after the execution of gran-89 degrees 57 37 - West 15 days of its due gate:
132.21 feet to the point 5783.12 torof the trist deed, to of beginning, with bearings based on the erior Lanc Charges: obligations hereby should be all minor Land Partition No. 32.55 and 31 2 274.35 and 574.35 and 5

State of Oregon, County of Klamath Recorded 10/07/99, at 3/1/p.in. In Vol. M99 Page 39989 Linda Smith, County Clerk Fee\$ 60°C