

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

1999 OCT -7 PM 3:11

MCKIDDY  
80722-32585

K54092

## AFFIDAVIT OF MAILING - TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON )

COUNTY OF KING ) ss

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 MICHAEL P. McKIDDY AND BARBARA K. McKIDDY AS TENANTS BY THE ENTIRETY as grantor, to AMERITITLE as Trustee, in favor of WASHINGTON MUTUAL BANK, as beneficiary, dated April 28, 1997, and recorded May 2, 1997, in the mortgage records of KLAMATH County, Oregon, as Fee No. Volume M97, Page 13485, 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

SEE APPENDED LIST

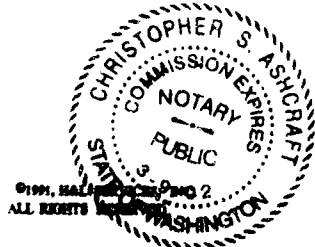
SEE APPENDED LIST

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 6/14, 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)

Subscribed and sworn to before me this 18th day of June, 1999.

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

## NAME AND LAST KNOWN ADDRESS: NATURE OF RIGHT LIEN OR INTEREST:

## OCCUPANTS

25820 ROCKY PT RD  
KLAMATH FALLS, OR 97601

MICHAEL P. MCKIDDY  
25820 ROCKY PT RD  
KLAMATH FALLS, OR 97601

VESTED OWNER

BARBARA K. MCKIDDY  
25820 ROCKY PT RD  
KLAMATH FALLS, OR 97601

VESTED OWNER

MICHAEL P. MCKIDDY  
P.O. BOX 5863  
CHARLESTON, OR 97420

VESTED OWNER

BARBARA K. MCKIDDY  
P.O. BOX 5863  
CHARLESTON, OR 97420

VESTED OWNER

MICHAEL P. MCKIDDY  
2011 18TH ST.  
FLORENCE, OR 97439

VESTED OWNER

BARBARA K. MCKIDDY  
2011 18TH ST.  
FLORENCE, OR 97439

VESTED OWNER

MRS. MICHAEL P. MCKIDDY  
2011 18TH ST.  
FLORENCE, OR 97439

VESTED OWNER

MRS. MICHAEL P. MCKIDDY  
25820 ROCKY PT RD  
KLAMATH FALLS, OR 97601

VESTED OWNER

MRS. MICHAEL P. MCKIDDY  
P.O. BOX 5863  
CHARLESTON, OR 97420

VESTED OWNER

JOHN DOE MCKIDDY  
2011 18TH ST.  
FLORENCE, OR 97439

VESTED OWNER

JOHN DOE MCKIDDY  
25820 ROCKY PT RD  
KLAMATH FALLS, OR 97601

VESTED OWNER

JOHN DOE MCKIDDY  
P.O. BOX 5863  
CHARLESTON, OR 97420

VESTED OWNER

CARTER-JONES COLLECTIONS, LLC  
1143 PINE STREET  
KLAMATH FALLS, OR 97603

LIEN HOLDER

CARTER-JONES COLLECTIONS, LLC  
C/O NEAL G. BUCHANAN  
435 OAK AVE.  
KLAMATH FALLS, OR 97601

ATTORNEY FOR LIEN HOLDER

Courtsey Copy  
RICK A. HARDER  
474 WILLAMETTE STREET  
EUGENE, OR 97401

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

MCKIDDY  
80722-32585

# TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by MICHAEL P. McKIDDY AND BARBARA K. McKIDDY AS TENANTS BY THE ENTIRETY, as grantor, to AMERITITLE, as trustee, in favor of WASHINGTON MUTUAL BANK, as beneficiary, dated April 28, 1997, recorded May 2, 1997, in the mortgage records of KLAMATH County, Oregon, as Fee No. Volume M97, Page 13485, covering the following described real property situated in KLAMATH County, Oregon, to-wit:

## SEE APPENDED LEGAL

commonly known as: 25820 ROCKY PT RD, KLAMATH FALLS, OR 97601

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:

5 monthly payments at \$642.15 each; (February 2, 1999 through June 8, 1999.)	\$3,210.75
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### LATE CHARGES:

4 late charges of \$32.11 for each monthly payment not made within 15 days of its due date.	128.44
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Prior Late Charges:	160.55
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Other Fees/Costs:	15.00
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<b>TOTAL MONTHLY PAYMENTS AND LATE CHARGES:</b>	<b>\$3,514.74</b>
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Estimated amount of delinquent taxes due for 1997-1999: \$412.12 (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, to-wit:

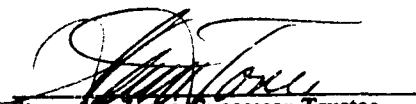
\$68,378.54 Principal Balance; plus interest thereon at the rate of 9.875% from February 2, 1999 until paid; plus late charges of \$288.99 through June 8, 1999; plus \$32.11 for every month thereafter the regular payment is more than 15 days late; plus unpaid real property taxes; plus any reserve account shortage; less any unapplied funds; plus all sums expended by beneficiary to protect 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.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 Falls, 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 8, 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 )  
 ) ss  
 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

DESCRIPTION OF PROPERTY

The following described real property situated in Klamath County, Oregon:

A tract of land situated in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 3, Township 36 South, Range 6 East, Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the brass cap monument marking the Southwest corner of said Section 3; thence N. 89°04' E. along the South line of said Section 3 a distance of 662.5 feet to the Westerly line of "Pelican Acres" Subdivision; thence Northerly along the Westerly line of "Pelican Acres" Subdivision a distance of 30.3 feet to the Northwest corner thereof; thence Easterly along the Northerly line of "Pelican Acres" Subdivision a distance of 619.1 feet, more or less, to the Northeast corner thereof, said point being on the Westerly line of the Klamath Falls-Rocky Point Highway, and said point being Northerly a distance of 17.8 feet measured along the Easterly line of "Pelican Acres" Subdivision from the South line of said Section 3; thence Northerly along the Westerly line of the Klamath Falls-Rocky Point Highway, a distance of 312.2 feet, which is 330 feet North of the South line of said Section 3, to the true point of beginning of this description; thence S. 89°04' W. parallel with the South line of said Section 3, a distance of 951.5 feet, more or less, to the Southeast corner of that tract of land described in Volume 341 page 603, Deed records of Klamath County, Oregon; thence N. 0°24' W. along the Easterly line of said tract of land a distance of 130.00 feet; thence N. 89°04' E. parallel with the South line of said Section 3 a distance of 330.00 feet; thence S. 0°24' E. 30 feet; thence N. 89°04' E, parallel with said South line of Section 3, 621.5 feet, more or less, to the Westerly line of said highway; thence Southerly along the Westerly line of said highway, a distance of 100 feet, more or less, to the point of beginning.

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

1. The amount of the debt is stated in the Trustee's Notice of Sale attached hereto.
2. 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.
6. 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, Robert Cudo, 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 22nd day of June, 1999, after personal inspection, I found the following described real property to be unoccupied:

SEE ATTACHED PROPERTY DESCRIPTION

Commonly known as: 25820 Rocky PT Road  
Klamath Falls, Oregon 97601

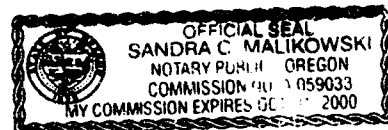
**I declare under the penalty of perjury that the above statements are true and correct.**

Robert Cudo

174240

July 28. 21

SUBSCRIBED AND SWORN to before me this 23 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, 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 #2588  
TRUSTEE'S NOTICE

a printed copy of which is hereto annexed,  
was published in the entire issue of said  
newspaper for four

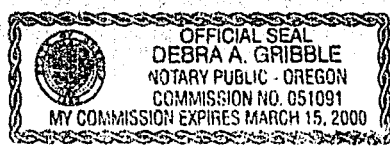
( 4 ) insertion(s) in the following issues:  
September 8, 15, 22, 29, 1999

Total Cost: \$1,161.00  
*Larry L. Wells*

Subscribed and sworn before me this 29<sup>th</sup>  
day of September 1999

*Debra A. Gribble*  
Notary Public of Oregon

My commission expires March 15 2000



**TRUSTEE'S NOTICE OF SALE**  
Reference is made to that certain trust deed made by MICHAEL P. McKIDDY and BARBARA K. McKIDDY AS TENANTS BY THE ENTIRETY, assignor, to AMERITITLE, as trustee, in favor of WASHINGTON MUTUAL BANK, as beneficiary, dated April 28, 1997, recorded May 2, 1997, in the mortgage records of KLAMATH County, Oregon, as Fee No. Volume 4497, Page 13485, covering the following described real property situated in KLAMATH County, Oregon, to-wit: a tract of land situated in the SW1/4 of the SW1/4 of Section 3, T.36S., R.6E., W.M., Klamath County, Oregon, more particularly described as follows:  
Beginning at the brass cap monument marking the southwest corner of said Section 3; thence N. 89°04' E. along the South line of said Section 3 a distance of 662.5 feet to the Westerly line of "Pelican Acres" Subdivision a distance of 30.3 feet to the Northwest corner thereof; thence Easterly along the Northerly line of "Pelican Acres" Subdivision a distance of 619.1 feet, more or less, to the Northeast corner thereof, said point being on the Westerly line of the Klamath Falls Rocky Point Highway, and said point being Northerly a distance of 17.8 feet measured along the Easterly line of "Pelican Acres" Subdivision from the South line of said Section 3; thence Northerly along the Westerly line of the Klamath Falls Rocky Point Highway, a distance of 312.12 feet, which is 330 feet North of the South line of said Section 3; to the true point of beginning of this description; thence S. 80°04' W. parallel with the South line of said Section 3, a distance of 951.5 feet, more or less, to the Southeast corner of that tract of land described in Volume 341, page 603, Deed records of Klamath County, Oregon; thence N. 0°24' W. along the Easterly line of said tract of land a distance of 130.00 feet; thence N. 89°04' E. parallel with the South line of said Section 3, a distance of 330.00 feet; thence S. 0°24' E. 30 feet; thence N. 89°04' E. parallel with said South line of Section 3, 621.5 feet, more or less, to the Westerly line of said highway; thence Southerly along the Westerly line of said highway, distance of 100 feet, more or less, to the point of beginning.  
commonly known as: 25820 ROCKY POINT ROAD, KLAMATH FALLS, OREGON 97601.  
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: 5 monthly payments at \$642.15 each; (February 2, 1999 through June 8, 1999); of which \$3,210.75 is principal and \$129.45 is late charges of \$32.17 for each monthly payment not made within 15 days of its due date; \$129.45 is late charge of \$32.17 for each monthly payment not made within 15 days of its due date.  
Prior Late Charges: \$160.55  
Other Fees/Costs: \$15.00  
TOTAL MONTHLY PAYMENTS AND LATE CHARGES: \$3,314.74  
Estimated amount of delinquent taxes due for 1997-1999: \$412.12 (plus interest and penalties)  
By reason of said default the beneficiary has declared all sums owing on the obligations secured by the trust deed immediately due and payable; said sums being the following, to-wit:  
\$43,378.54 Principal Balance; plus interest thereon at the rate of 8.75% from February 2, 1999 until paid; plus late charges of \$288.00 through June 8, 1999; plus \$32.17 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 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.M. in accordance with the standard set forth established by ORS 86.711, at the front entrance of the KLAMATH Courthouse, 317 South Seventh Street, Second Floor, 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 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



40003

State of Oregon, County of Klamath  
Recorded 10/07/99, at 3:11pm  
In Vol. M99 Page 39945  
Linda Smith.  
County Clerk Fee \$ 50<sup>00</sup>