

Affidavit of Publication

Vol M99 Page

41291

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 #2624

Notice of

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 24, 1999 October 1, 8, 15, 1999

Total Cost: \$567.00

Subscribed and sworn before me this 15th day of October 19 99

Debra A. Subbie

Notary Public of Oregon

My commission expires 3-15 2000

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by SILVERSTRE MARTINEZ, JR., and ALICE R. MARTINEZ, as Tenants by the Entirety, as grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as trustee, in favor of VINCENT KALIMA NIHIPALI, Sr., Trustee of the Vincent Kalima Nihipali, Sr., Revocable Trust, dated November 5, 1992, and CHARLES KEANUENUE NIHIPALI, Sr., Trustee of the Charles Keanuenu Nihipali, Sr., Revocable Trust, dated November 5, 1992, Beneficiary, dated January 15, 1996, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M96 at page 246, covering the following described real property situated in said county and state, to-wit:

Lot 11 in Block 6 of INDUSTRIAL ADDITION according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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 Section 86.735(3) of Oregon Revised Statutes. The Default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Payments in the amount of \$400.00 per month from March 1999 through the present.

Taxes for the fiscal year 1998-1999, delinquent in the sum of \$347.21, plus interest.

Taxes for the fiscal year 1997-1998, delinquent in the sum of \$336.27, plus interest.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following: to-wit: \$15,870.84 as of March 15, 1999, plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on November 3, 1999 at the hour of 10 a.m. Standard time, as established by Section 187.110, Oregon Revised Statutes, at 289 Main 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 said described real property which the grantors had or had power to convey at the time of the execution by him of said trust deed, to satisfy the foregoing obligations thereby secured and the costs or their successors in interest acquired after the execution of said 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 Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 Section 86.753 of Oregon Revised Statutes.

In construing this notice, the masculine gender includes the feminine and the neuter, 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: September 20, 1999.
Scott D. MacArthur
Successor Trustee
#2624 September 24, 1999
October 1, 8, 15, 1999

State of Oregon, County of Klamath
Recorded 10/18/99, at 12:11 p.m.
In Vol. M99 Page 41291
Linda Smith,
County Clerk Fee \$10.00