Aspen 50168

Vol MOO Page \_\_\_\_\_\_\_

## 200 JAN 19 PH 3: 21

Return to:	Clerk's Stamp:
Brandsness, Brandsness & Rudd, P.C. 411 Pine Street	
Klamath Falls, Oregon 97601	

## AFFIDAVIT OF MAILING NOTICE OF SALE TO GRANTOR, SUCCESSOR IN INTEREST TO GRANTOR AND PERSON REQUESTING NOTICE

I, William P. Brandsness, being first duly sworn, depose, say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original notice of sale given under the terms of that certain trust 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 registered or certified mail and regular first class mail to each of the following named persons at their respective last known addresses, to-wit:

Golden Eagle Investments, L.L.C. 2368 W. Burnside, Suite 105 Portland, OR 97210

James Campbell 1645 SW 27<sup>th</sup> Street Gresham, OR 97080

Elliott J. Mantell 1245 NW 53<sup>rd</sup> Drive Portland, OR 97210

Paul J. Rask Attorney at Law 4610 Belmont Street, Suite 106 Portland, OR 97215

David McKenzie 3415 Country Club Drive South Salem, OR 97302

Shelmar Company Profit Sharing, aka Shalmar Company Profit Sharing Mary Jane Sheldon, Trustee c/o James R. Uerlings 110 North 6<sup>th</sup> Street Klamath Falls, OR 97601 Said persons include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, and any person requesting notice as provided in ORS 86.785.

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 Klamath Falls, Oregon, on September 22, 1999. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale.

William P. Brandsmess

STATE OF OREGON )

ss.

September 22 1999.

County of Klamath

Personally appeared William P. Brandsness and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:

OFFICIAL SEAL
NANCY L. MANN
NOTARY PUBLIC - OREGON
COMMISSION NO. 326502
MY COMMISSION EXPIRES NOV. 1, 2003

Notary Public for Oregon
My Commission expires: 1/-1-03

## TRUSTEE'S NOTICE OF DEFAULT AND ELECTION TO SELL AND OF SALE

Reference is made to the following Trust Deed: Golden Eagle Investments, L.L.C., Grantor; Aspen Title & Escrow, Inc., Trustee; and Mitchell O. Hudgens and Charlotte A. Hudgens, Beneficiary, recorded in Official/Microfilm Records, Volume M97, Page 18546, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon:

Lots 14, 15, and 17, Block 5, BLEY-WAS HEIGHTS FIRST ADDITION, in the County of Klamath, State of Oregon.

No action is pending to recover any part of the debt secured by the trust deed.

The obligation secured by the trust deed is in default because the grantor has failed to pay the following: Failed to make the \$500 monthly payment due January 28, 1999, and monthly payments thereafter; failed to pay 1997 and 1998 Klamath County Real Property Taxes.

The sum owing on the obligation secured by the trust deed is: The sum of \$3,016.20 plus interest at the rate of 4% per annum from February 8, 1999; 1997 and 1998 Klamath County Real Property taxes in the amount of \$527.10 plus interest, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

Beneficiary has and does elect to sell the property to satisfy the obligation pursuant to ORS 86.705 to 86.795.

The property will be sold as provided by law on February 4, 2000, at 10 o'clock a.m. based on standard of time established by ORS 187.110 at the Offices of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon.

Interested persons are notified of the right under ORS 86.753 to have this proceeding dismissed and the trust deed reinstated by payment of the entire amount then due, other than such portion as would not then be due had no default occurred, together with costs, trustee's and attorney's fees, and by curing any other default complained of in this Notice, at any time prior to five days before the date last set for sale.

Dated: September 70, 1999.

Michael P. Rudd, Trustee

411 Pine Street

Klamath Falls, OR 97601

Return to:
Brandsness, Brandsness & Rudd, P.C.
411 Pine Street
Klamath Falls, Oregon 97601

## TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON ) ) ss. County of Klamath )

I, Michael P. Rudd, being first duly sworn, depose, say and certify that:

I am the trustee in that certain trust deed executed and delivered by Golden Eagle Investments, L.L.C. as grantor to Aspen Title & Escrow, Inc. as trustee in which Mitchell O. Hudgens and Charlotte A. Hudgens are the beneficiary, recorded on June 16, 1997 in the mortgage records of Klamath, Oregon, in book/volume No. M97 at page18546, covering the following described real property situated in said county:

Lots 14, 15, and 17, Block 5, BLEY-WAS HEIGHTS FIRST ADDITION, in the County of Klamath, State of Oregon.

I hereby certify that on September 21, 1999, the above-described real property was not occupied.

The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.

Michael P. Rudd

STATE OF OREGON )
) ss.
County of Klamath )

September 22, 1999.

Personally appeared Michael P. Rudd and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:

OFFICIAL SEAL
NANCY L. MANN
NOTARY PUBLIC - OREGON
COMMISSION NO. 326502
MY COMMISSION EXPIRES NOV. 1, 2003

Notary Public for Oregon
My Commission expires: 1/-/-03

State of Oregon, County of Klamath Recorded 1/19/00, at 3/2/ p.m. In Vol. M00 Page 1/927

Linda Smith,

County Clerk Fee\$ 3609