

200 FEB -9 PM 3:09

ASPEN 01050181

**RECORDING COVER SHEET
FOR NOTICE OF SALE PROOF
OF COMPLIANCE, PER ORS 205.234**

Vol M00 Page 4246

**THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON
PRESENTING THE ATTACHED INSTRUMENT FOR
RECORDING. ANY ERRORS IN THIS COVER SHEET
DO NOT AFFECT THE TRANSACTION(S) CONTAINED
IN THE INSTRUMENT ITSELF.**

AFTER RECORDING RETURN TO
*name and address of the person authorized to receive the
instrument after recording, as required by ORS 205.180(4)
and ORS 205.238.*

*This Space For County Recording Use Only
as of 8-1-98*

**MARK NAME(S) OF ALL THE TRANSACTION(S) described in the attached instrument. Fill in the Original Grantor on
Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of
Sale or Proof of Service will be considered a transaction.**

☒ **AFFIDAVIT OF MAILING NOTICE OF SALE** *(must have trustee's notice of sale attached)*

☒ **AFFIDAVIT OF PUBLICATION NOTICE OF SALE**

☒ **PROOF OF SERVICE**

Original Grantor on Trust Deed

Roberto R Davila
Sylvia R Davila

Beneficiary

Transamerica Financial Services

A/66-

1010

NT



AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

4247

RE: Trust Deed from

Roberto R. Davila and
Sylvia R. Davila

To Grantor

Aspen Title Co.

Trustee

SPACE RESERVED
FOR
RECORDER'S USE

After recording, return to (Name, Address, Zip):

Beverly S. Thomas
1100 SW Sixth, Suite 1600
Portland, OR 97204

STATE OF OREGON, County of Multnomah) ss:

I, Susan MacLeod, being first duly sworn, depose, and say 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 the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in the notice of sale.

I gave notice of the sale of the real property described in the attached trustee's Notice of Sale by mailing copies 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

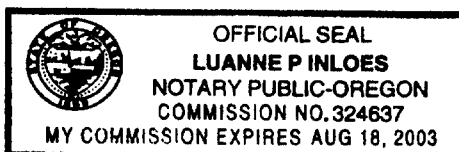
ADDRESS

SEE EXHIBIT A ATTACHED.

These 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 set forth in ORS 86.785.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Whitney L. Grubbs, attorney for the trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Portland, Oregon, on October 12, 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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

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



Subscribed and sworn to before me on February 7, 2000

Luanne P. Inloes

Notary Public for Oregon

My commission expires 8/18/03

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

2410

EXHIBIT A
to
Affidavit of Mailing Trustee's Notice of Sale

Roberto R. Davila
Sylvia R. Davila
and/or OCCUPANT
2550 Darrow Avenue
Klamath Falls, OR 97601

Roberto R. Davila
Sylvia R. Davila
30771 Hwy. 97 N
Chiloquin, OR 97624

Reginald R. Davis, County Counsel
Klamath County Counsel Office
305 Main St., 2nd Floor
Klamath Falls, OR 97601

Hardy Myers, Attorney General
State of Oregon
1162 Court St., NE
Salem, OR 97310

Kent Pederson, RA
Carter-Jones Collections L.L.C.
1143 Pine St.
Klamath Falls, OR 97601

Suzanne C. Pickgrobe
Special Asst. US Attorney
Small Business Administration
1515 SW Fifth, Suite 1050
Portland, OR 97201-5494

Small Business Administration
c/o Kristine Olson, U.S. Attorney
1000 SW 3rd Ave., #600
Portland, OR 97204-2902

Fred Long
POB 467
Eugene, OR 97440-0000

Keith Y. Boyd
835 Alder Creek Dr. #A
Medford, OR 97504

1 - SERVICE LIST

ON

4249



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Roberto R. Davila and Sylvia R. Davila,
as tenants by the entirety, as grantor, to
Aspen Title Co., as trustee,
 in favor of Transamerica Financial Services, as beneficiary,
 dated August 22, 1996, recorded August 27, 1996, in the mortgage records of
Klamath County, Oregon, in book ~~real volume~~ No. M-96 at page 26579, or
 as fee/~~file/instrument/microfilm/reception~~ No. 23915 (~~indicate which~~), covering the following described real
 property situated in said county and state, to-wit:

The North 50 feet of Lots 612 and 613, Block 128, MILLS ADDITION TO THE CITY OF
 KLAMATH FALLS, in the County of Klamath, State of Oregon.

The beneficial interest in said trust deed was assigned to LaSalle National Bank as
 Trustee by instrument recorded Feb. 9, 1998 in Book M-98 at page 4124 as Recorder's
 Fee No. 52869.

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 86.735(3); the de-
 fault for which the foreclosure is made is grantor's failure to pay when due the following sums:

SEE EXHIBIT A, PARAGRAPH I, ATTACHED.

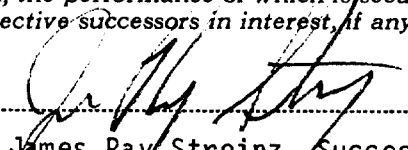
By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust
 deed immediately due and payable, said sums being the following, to-wit:

SEE EXHIBIT A, PARAGRAPH II, ATTACHED.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 23, ~~192000~~,
 at the hour of one o'clock, P.M., in accord with the standard of time established by ORS 187.110, at
the front steps of the Government Center at 305 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 the said described real property which the grantor had or had
 power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the
 grantor or grantor's 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 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 per-
 formance 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 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 10/12, 1999


 James Ray Streinz, Successor Trustee
 Trustee

State of Oregon, County of Multnomah ss:

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

 Attorney for said Trustee

If the foregoing is a copy to be served pursuant to
 ORS 86.740 or ORS 86.750(1), fill in opposite
 the name and address of party to be served.

SERVE: _____

EXHIBIT A

I

Monthly principal and interest installments of \$704.94 each for the months of June through October, 1998, and for December 1, 1998, until paid; delinquent property taxes, if any; cost of foreclosure report; attorney's fees, trustee's fees, together with any other sums due or that may become due under the Note or by reason of this foreclosure and any further advances made by Beneficiary as allowed by the Note and Deed of Trust.

II

The principal sum of \$55,200.66 with interest on the principal balance at the rate of 14.95 percent per annum, from May 1, 1998, until paid; prepayment premium, if applicable; cost of foreclosure report; attorney's fees, trustee's fees, together with any other sums due or that may become due under the Note or by reason of this foreclosure and any further advances made by Beneficiary as allowed by the Note and Deed of Trust.

PROOF OF SERVICE

4251

STATE OF OREGON)
) ss.
County of Klamath)

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

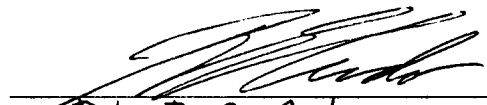
I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale certified to be such by the attorney for the trustee or successor trustee, along with a copy of Notice Under the Fair Debt Collection Practices Act, upon **SYLVIA R. DAVILA** at the following address:

30771 HWY. 97 N.. CHILOQUIN, OREGON 97624, as follows:

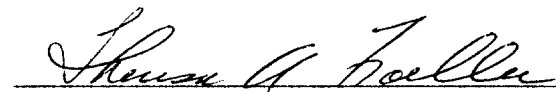
Personal service upon S, _____, by delivering said true copy, personally and in person, at above address on _____, 199__ at ____:____.m.

Substitute service upon Sylvia R. DAVILA, by delivering said true copy, at his/her usual place of abode as indicated above, to Roberto R. DAVILA who is a person over the age of 14 years and a member of the household on OCTOBER 22, 1999 at 9:05 a.m.

I declare under the penalty of perjury that the above statement is true and correct.


Robert S. Cuda 178596

SUBSCRIBED AND SWORN to before me this 20th day of OCTOBER, 199__.


Notary Public for Oregon

6040

PROOF OF SERVICE

4252

STATE OF OREGON)
) ss.
County of Klamath)

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.


I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale certified to be such by the attorney for the trustee or successor trustee, along with a copy of Notice Under the Fair Debt Collection Practices Act, upon **ROBERTO R. DAVILA** at the following address:

30771 HWY. 97 N., CHILOQUIN, OREGON 97624, as follows:

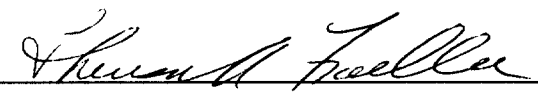
Personal service upon Roberto R. DAVILA, by delivering said true copy, personally and in person, at above address on OCTOBER 22, 1999 at 9:05 a.m.

Substitute service upon _____, by delivering said true copy, at his/her usual place of abode as indicated above, to _____ who is a person over the age of 14 years and a member of the household on _____, 199__ at _____:_____.m.

I declare under the penalty of perjury that the above statement is true and correct.


Robert S. Cudo 178595

SUBSCRIBED AND SWORN to before me this 22nd day of OCTOBER, 1999.


Notary Public for Oregon

97146-001/Davila

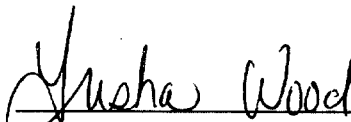
CERTIFICATE OF MAILING

STATE OF OREGON)
) ss.
 County of Multnomah)

I, Trisha Wood, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On October 22, 1999, I mailed a true copy of the Trustee's Notice of Sale, along with a copy of Notice Under the Fair Debt Collection Practices Act via First Class Mail, postage pre-paid, together with a statement of the date, time, and place at which substitute service was made, to Sylvia R. Davila.

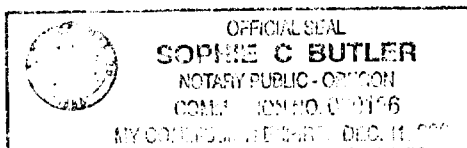
The envelope was addressed as follows: Sylvia R. Davila
 30771 Highway 97 North
 Chiloquin, OR 97624


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


 Trisha Wood

178596

SUBSCRIBED AND SWORN TO BEFORE ME this 22nd day of October, 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 2833

Trustee's Notice.....

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

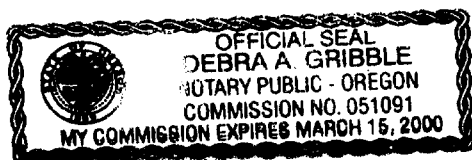
(4) insertion(s) in the following issues:
January 5, 12, 19, 26, 2000

Larry L. Wells
Total Cost: \$635.40

Subscribed and sworn before me this 26th
day of January 20 00

Debra A. Gribble
Notary Public of Oregon

My commission expires March 15 20 00



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Roberto R. Davila and Sylvia R. Davila, as tenants by the entirety, as grantors, to Aspen Title Company, as trustee, in favor of Transamerica Financial Services, as beneficiary, dated August 22, 1996, recorded August 27, 1996, in the mortgage records of Klamath County, Oregon, in book M96 at page 26579, or as fee No. 23915 covering the following described real property situated in said county and state, to-wit:

The North 50 feet of Lots 612 and 613, Block 128, MILLS ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon.

The beneficial interest in said trust deed was assigned to LaSalle National Bank as Trustee by instrument recorded February 9, 1998 in Book M98 at page 4124 as Recorder's Fee No. 52869.

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 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Monthly principal and interest installments of \$704.94 each for the months of June through October, 1998, and for December 1, 1998, until paid; delinquent property taxes, if any; cost of foreclosure report; attorney's fees, trustee's fees, together with any other sums due or that may be-

come due under the Note or by reason of this foreclosure and any further advances made by Beneficiary as allowed by the Note and Deed of Trust.

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:

The principal sum of \$55,200.66 with interest on the principal balance at the rate of 14.95 percent per annum, from May 1, 1998, until paid; prepayment premium, if applicable; cost of foreclosure report; attorney's fees, trustee's fees, together with any other sums due or that may become due under the Note or by reason of this foreclosure and any further advances made by Beneficiary as allowed by the Note and Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 23, 2000, at the hour of one o'clock, P.M., in accord with the standard of time established by ORS 187.110, at the front steps of the Government Center at 305 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 the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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 in 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 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 October 12, 1999.

James Ray Streinz,
Successor Trustee
#2833 January 5, 12, 19, 26, 2000

State of Oregon, County of Klamath
Recorded 2/09/00, at 3:09 p.m.
In Vol. M00 Page 4246
Linda Smith,
County Clerk Fee \$ 66.00