

**RECORDING COVER SHEET  
FOR NOTICE OF SALE PROOF**

**OF COMPLIANCE, PER ORS 205.234**

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.

Vol M00 Page 4955

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

**AFTER RECORDING RETURN TO**

Bishop & LYNCH, P.S.  
720 Olive Way, Suite 1301  
SEATTLE, WA 98101

K-54365 / T27569

**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**

HOLLENBEAR RUSSELL L.

**Beneficiary**

TRANSAMERICA Financial Services

2000 FEB 16 PM 2:52

K71-

After recording return to:  
 BISHOP, LYNCH & WHITE, P.S.  
 720 Olive Way, #1600  
 Seattle, WA 98101-1801  
 Attn: Trudie Walsh  
 Hollenbeak, 240-0995.01

**NOTICE: WE ARE ATTEMPTING TO COLLECT A DEBT, ANY INFORMATION OBTAINED WILL BE USED FOR PURPOSES OF DEBT COLLECTING.**

# **TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain trust deed made by Russell L. Hollenbeak, as grantor, to Aspen Title & Escrow, Inc., as trustee, in favor of Transamerica Financial Services, as beneficiary, dated December 31, 1994, recorded February 7, 1995, in the mortgage records of Klamath County, Oregon, in Volume M95, Page 2774, covering the following described real property situated in said county and state, to-wit:

LOT 10, VILLA SAINT CLAIR, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY OREGON.

Commonly known as: 4407 Bartlett Avenue, 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 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

## **Payments**

Delinquent Monthly Payments due from March 1, 1999 through September 3, 1999:

Unpaid principal balance payable in full as of March 1, 1999	45,478.98
--	-----------

Estimated accrued and unpaid interest from February 1, 1999 to September 3, 1999 at 12.96% per annum.**	4,176.80
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<b>TOTAL MONTHLY PAYMENTS AND LATE CHARGES</b>	<b><u>\$49,655.78</u></b>
--	---------------------------

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:

Unpaid principal balance \$45,478.98, plus interest at the current rate of 12.960% which is subject to change, from February 1, 1999, additional late charges, advances, foreclosure fees and costs.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 19, 2000, at the hour of 11:00 o'clock a.m., in accord with the standard of time established by ORS 187.110, at the front entrance to the Klamath County Sheriff's Office, located at 808 So. 5th Street, Klamath Falls, of Klamath County, 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

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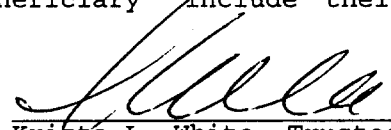
\*\*Interest continues to accrue after said date.

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), paying all advances authorized under the trust deed, including all costs and expenses incurred in enforcing the obligation and trust deed, and by curing any other default complained of therein 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 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 13, 1999.

  
\_\_\_\_\_  
Krista L. White, Trustee

State of Washington                    )  
  ) ss.  
County of King                            )

I certify that I know or have satisfactory evidence that KRISTA L. WHITE is the person who appeared before me, and said person acknowledged that she signed the attached Trustee's Notice of Sale and acknowledged it to be her free and voluntary act and deed and for the uses and purposes mentioned in the instrument.

Dated this 13 day of September, 1999.

  
\_\_\_\_\_  
PRINTED NAME: Trudie Walsh

Notary Public in and for the State of  
Washington, residing at Seattle.  
My Commission Expires: 7-15-00.

I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale.

\_\_\_\_\_  
Trudie Walsh

For Information Contact:

Bishop, Lynch & White, P.S.  
720 Olive Way, #1600  
Seattle, WA 98101-1801  
(206) 622-7527  
Ref: Hollenbeak, 240-0995.01



AFFIDAVIT OF MAILING  
Trustee's Notice of Sale

STATE OF WASHINGTON       )  
                                      ) ss.  
COUNTY OF KING            )

I, Trudie Walsh, 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 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 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 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:

SEE Exhibit "A" Attached hereto and incorporated herein by this reference.

Said 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 Krista L. White, trustee named in said notice; each such copy was contained in a sealed envelope, 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 said notices was mailed after 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.

  
Trudie Walsh

SUBSCRIBED AND SWORN TO before me this 17 day of September, 1999.

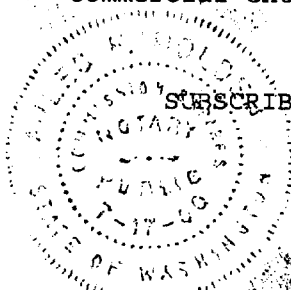
  
PRINTED NAME:

**MILES F. HOLDEN**

NOTARY PUBLIC in and for the State of  
Washington residing at   
My Appointment Expires: 7-17-00

AFTER RECORDING RETURN TO:

BISHOP, LYNCH & White, P.S.  
720 Olive Way, Suite 1600  
Seattle, WA 98101-1801  
Attn: Trudie Walsh  
FORBASE\OREGON\NOD.FRM REV 9/15/99



## EXHIBIT A

## GRANTORS:

Russell L. Hollenbeak  
4407 Bartlett Avenue  
Klamath Falls, OR 97603

## ALL OTHER PARTIES:

Occupants of the Premises  
4407 Bartlett Avenue  
Klamath Falls, OR 97603

Administrator of the Small Busn. Admin.  
222 S.W. Columbia Street, Ste. 500  
Portland, OR 97201

Klamath County Tax Assessor  
305 Main Street  
Klamath Falls, OR 97601

State of Oregon Attorney General  
Tax Warrants 98-915 & 99-847  
1162 Court St. N.E.  
Salem, OR 97310

PROOF OF SERVICE

4960

STATE OF OREGON )  
County of Klamath ) ss.

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, upon the **OCCUPANTS** at the following address:

**4407 BARTLETT AVENUE, KLAMATH FALLS, OREGON 97603**, as follows:

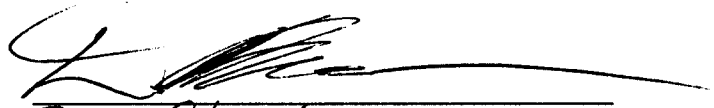
Personal service upon Shirley Novotny, by delivering said true copy, personally and in person, at the above address on Sept. 20, 1999 at 10:50 a.m.

Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 199\_\_ at \_\_\_\_:\_\_\_\_.m.

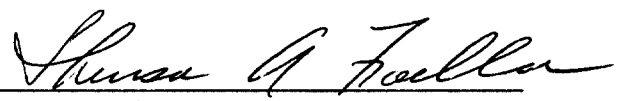
Substitute service upon Kia Novotny, by delivering said true copy, at his/her usual place of abode as indicated above, to Shirley Novotny who is a person over the age of 14 years and a member of the household on Sept. 20, 1999 at 10:50 a.m.

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.

  
Dave Shuck 177620

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

  
Notary Public for Oregon


240-0995/Hollenbeak

**CERTIFICATE OF MAILING**

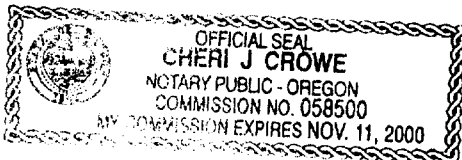
STATE OF OREGON        )  
                                   ) ss.  
 County of Multnomah    )

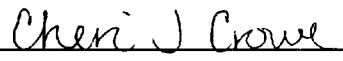
I, Sophie Butler, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On September 20, 1999, I mailed a true copy of the Trustee's Notice of Sale, via First Class Mail, postage pre-paid, together with a statement of the date, time, and place at which substitute service was made, to Vic Novotny.

The envelope was addressed as follows: VIC NOVOTNY  
 4407 BARTLETT AVENUE  
 KLAMATH FALLS, OR 97603

  
 \_\_\_\_\_  
 Sophie Butler 177620

SUBSCRIBED AND SWORN TO BEFORE ME this 20th day of September, 1999.



  
 \_\_\_\_\_  
 Notary Public for Oregon

240-0995/Hollenbeak

## PROOF OF SERVICE

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, upon the **OCCUPANTS** at the following address:

**4407 1/2 Bartlett Avenue, Klamath Falls, Oregon 97603, as follows:**

Personal service upon JOANN HOLLENBEAK, by delivering said true copy, personally and in person, at the above address on September 20, 1999 at 11:15 A.M.

Substitute service upon RUSSELL HOLLENBEAK, by delivering said true copy, at the dwelling house and usual place of abode, as indicated above, to Joann Hollenbeak, who is a person over the age of 14 years and a member of the household on September 20, 1999, at 11:15 A.M.

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

  
 Dave Shuck 177620

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

NOTARY PUBLIC  
 STATE OF OREGON  
 My Comm. Expires 09/20/01  
 My Comm. No. 10055  
 My Comm. Issued 09/20/98

  
 Notary Public for Oregon



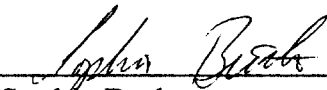
240-0995/Hollenbeak

## CERTIFICATE OF MAILING

STATE OF OREGON        )  
                                   ) ss.  
 County of Multnomah    )

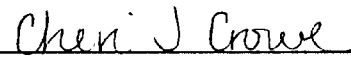
I, Sophie Butler, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On September 20, 1999, I mailed a true copy of the Trustee's Notice of Sale, via First Class Mail, postage pre-paid, together with a statement of the date, time, and place at which substitute service was made, to Russell Hollenbeak.

The envelope was addressed as follows: RUSSELL HOLLENBEAK  
 4407 ½ BARTLETT AVENUE  
 KLAMATH FALLS, OR 97603

  
 \_\_\_\_\_  
 Sophie Butler 177620

SUBSCRIBED AND SWORN TO BEFORE ME this 20th day of September, 1999.



  
 \_\_\_\_\_  
 Notary Public for Oregon

# Affidavit of Publication

4964

## 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 2848

Notice: We are.....

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

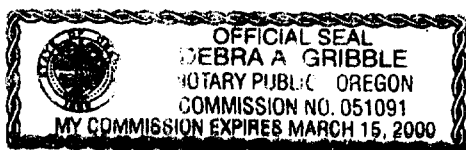
( 4 ) insertion(s) in the following issues:  
January 5, 12, 19, 26, 2000

Larry L. Wells  
Total Cost: \$784.12

Subscribed and sworn before me this 26th  
day of January 2000

Debra A. Gribble  
Notary Public of Oregon

My commission expires March 15, 2000



NOTICE: WE ARE AT-  
TEMPTING TO COL-  
LECT A DEBT, ANY  
INFORMATION OB-  
TAINED WILL BE  
USED FOR PURPOSES  
OF DEBT COLLECT-  
ING.

### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Russell L. Hollenbeak, as grantor, to Aspen Title & Escrow, Inc., as trustee, in favor of Transamerica Financial Services, as beneficiary, dated December 31, 1994, recorded February 7, 1995, in the mortgage records of Klamath County, Oregon, in Volume M95, Page 2774, covering the following described real property situated in said county and state, to-wit:

LOT 10, VILLA SAINT CLAIR, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY OREGON.

Commonly known as:  
4407 Bartlett Avenue,  
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 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Payments  
Delinquent Monthly  
Payments due from  
March 1, 1999 through  
September 3, 1999:

Unpaid principal balance payable in full as of March 1, 1999  
\$45,478.98

Estimated accrued and unpaid interest from February 1, 1999 to September 3, 1999 at 12.96% per annum.  
\$4,476.80

TOTAL MONTHLY  
PAYMENTS AND  
LATE CHARGES  
\$49,655.78

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:

Unpaid principal balance \$45,478.98, plus interest at the current rate of 12.960% which is subject to change, from February 1, 1999, additional late charges, advances, foreclosure fees and costs.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 19, 2000, at the hour of 11:00 o'clock a.m., in accord with the standard of time established by ORS 187.110, at the front entrance to the Klamath County Sheriff's Office, located at 808 So. 5th Street, Klamath Falls, of Klamath County, 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), paying all advances authorized under the trust deed, including all costs and expenses incurred in enforcing the obligation and trust deed, and by curing any other default complained of therein 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 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 13, 1999.  
Krista L. White,  
Trustee

State of Washington  
County of King  
ss.

I certify that I know or have satisfactory evidence that KRISTA L. WHITE is the person who appeared before me, and said person acknowledged that she signed the attached Trustee's

Notice of Sale and acknowledged it to be her free and voluntary act and deed and for the uses and purposes mentioned in the instrument.

Dated this 13th day of September, 1999.

Trudie Walsh  
PRINTED NAME:

Notary Public in and for the State of Washington, residing at Seattle. My commission Expires: 7-15-00.

I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Trudie Walsh  
For Information  
Contact:  
Bishop, Lynch & White,  
P.S.

720 Olive Way, #1600  
Seattle, WA 98101-1801  
(206) 622-7527

Ref: Hollenbeak,  
240-0995.01  
#2848 January 5, 12, 19  
26, 2000

4965

State of Oregon, County of Klamath

Recorded 2/16/00, at 2:52 p.m.

In Vol. M00 Page 4955

Linda Smith,

County Clerk Fee\$ 71<sup>00</sup>

RECEIVED

FEB 03 2000

BISHOP, LYNCH & WHITE, P.S.