

MTC 49017

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON                     )  
   ) ss.  
 County of Deschutes                )

I, C. E. Francis, being first duly sworn, depose, and say and certify that:

1. 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 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.

2. 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) on the dates indicated at their respective last known addresses, to wit:

2.1	Heidi L. Scherr 6444 King Williams Drive Columbus GA 31909	October 25, 1999
2.2	Klamath County Tax Collector 305 Main Street Klamath Falls OR 97601	October 25, 1999
2.3	Linda Hunter P O Box 7791 Bend OR 97708	October 25, 1999

3. 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 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 86.725.

4. Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by C. E. Francis, attorney for the trustee named in said Notice; 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 Bend, Oregon, on March 14, 1997. 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 said notices was 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.

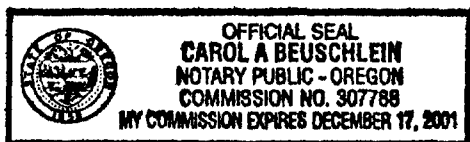
**Francis & Martin, LLP**  
 1199 N.W. Wall Street • Bend, Oregon 97701-1934  
 (541) 389-5010

36.00  
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Dated this 28<sup>th</sup> day of February, 2000.

C. E. Francis  
C. E. Francis  
Successor Trustee

SUBSCRIBED AND SWORN to me this 28<sup>th</sup> day of February, 2000.



Carol A. Beuschlein  
Notary Public for Oregon

**Francis & Martin, LLP**  
1199 N.W. Wall Street • Bend, Oregon 97701-1934  
(541) 389-5010

## NOTICE OF SALE

1. Name of Grantor: HEIDI L. SCHERR
2. Name of Trustee: Key Title Company, an Oregon corporation
3. Name of Successor Trustee: C. E. Francis
4. Name of Beneficiary: Vicki Allen
5. Legal Description of the real property covered by the trust deed:  
  
*Lot 2, Block 6, RIVER PINE ESTATES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.*
6. Date of trust deed: August 25, 1994
7. Book and Page of Mortgage Records where trust deed is recorded:  
  
Volume M94, Page 28474 Microfilm Records of Klamath County, Oregon.
8. Date of Recording of Trust Deed: September 9, 1994
9. The beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to ORS 86.735(3); The default for which foreclosure is made is the following:
  - (A) Grantor's failure to pay when due the mobile home taxes for the fiscal years 1995-1996 in the amount of \$114.66 plus interest, 1996-1997 in the amount of \$112.49 plus interest, 1997-1998 in the amount of \$111.28 plus interest, and 1998-1999 in the amount of \$114.22 plus interest.
  - (B) Grantor's failure to pay when due the taxes for the fiscal years 1996-1997 in the amount of \$18.35 plus interest, 1997-1998 in the amount of \$166.62 plus interest, and 1998-1999 in the amount of \$169.56 plus interest.
  - (C) Grantor's failure to pay when due the monthly payments in the amount of \$222.78 from May 9, 1997 and each month thereafter.
10. By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable. The sums owing on the obligation secured by the trust deed are:  
  
Principal balance, including interest through October 5, 1999 in the amount of \$17,110.68, with interest accruing at the per diem rate of \$4.19 after October 5, 1999.
11. The undersigned trustee will on **March 9, 2000**, at **2:00 o'clock P.M.**, in accord with the standard time established by ORS 187.110, on the steps of the courthouse, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the the highest bidder for cash the interest in the 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 grantor's successors in interest acquired after the execution 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.

12. 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 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.
13. 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: October 19, 1999.

C. E. Francis  
C. E. Francis, Successor Trustee

STATE OF OREGON     )  
                                  ) ss.  
County of Deschutes    )

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.

C. E. Francis  
C. E. Francis, Successor 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 the party to be served.

SERVE:           LINDA HUNTER  
                          LaPine OR 97739

**State of Oregon, County of Klamath**  
Recorded 3/01/00, at 2:39 p. m.  
In Vol. M00 Page 6543  
**Linda Smith,**  
County Clerk   Fee\$ 36<sup>00</sup>