

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed from  
Francis Hayman, Sr., Grantor**

**TO**

**George A. Pondella and Donald E. Bailey, Beneficiary**

0/ After recording return to:  
✓ Scott D. MacArthur, P.C.  
280 Main Street  
Klamath Falls, OR 97601

**STATE OF OREGON, County of Klamath) ss.**

**I, Scott D. MacArthur, being first duly sworn, depose, and 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 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:**

**Francis Hayman, Sr., 3009 Hayman Avenue, Vallejo, CA 94591.**

**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.**

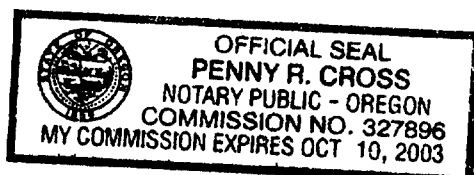
**Each of the notices so mailed was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on December 8, 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 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.

Scott D. MacArthur  
 Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 5<sup>th</sup> day of April, 2000.



Penny R. Cross  
 Notary Public for Oregon  
 My commission expires 10/10/03

STATE OF OREGON, County of \_\_\_\_\_)ss.

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
 at \_\_\_\_\_ o'clock \_\_\_\_M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ or as  
 fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

\_\_\_\_\_  
 Name

\_\_\_\_\_  
 Title

By \_\_\_\_\_, Deputy

# AFFIDAVIT OF NON-OCCUPANCY

11121

STATE OF OREGON, County of Klamath) ss.

I, SCOTT D. MacARTHUR, being first duly sworn, depose and certify that:

I am the Successor Trustee under the Trust Deed delivered by Francis Hayman, Sr., as grantor to Aspen Title and Escrow, Inc., as Trustee to George A. Pondella and Donald E. Bailey, dated April 17, 1996 and recorded May 10, 1996 at Volume M96, page 17764 of the Mortgage Records of Klamath County, Oregon covering the following described property situated in Klamath County, Oregon

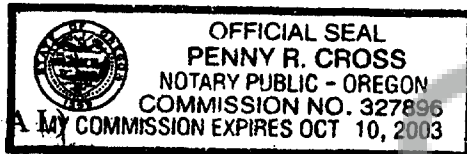
Exhibit "A" attached hereto and incorporated herein by this reference.

I hereby certify that the above described real property was not occupied at the time the Notice of Default and Election to Sell was recorded on November 17, 1999.

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

*Scott D. MacArthur*

Subscribed and sworn to before me this 5th day of April, 2000.



(S E A M)

*Lenny L. Cross*  
Notary Public for Oregon  
My Commission Expires: 10/10/03

CERTIFICATE OF NON-OCCUPANCY STATE OF OREGON, County of Klamath)ss.

I certify that the within instrument received for recording on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Record of Deeds of said County.

Witness my hand and seal of County affixed.

After Recording return to:  
Scott D. MacArthur, P.C.  
280 Main Street  
Klamath Falls, OR 97601

Name \_\_\_\_\_ Title \_\_\_\_\_  
By \_\_\_\_\_ Deputy

# 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 2827

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:

December 24, 31, 1999

January 7, 14, 2000

Total Cost: \$554.28

Subscribed and sworn before me this 14th

day of January 2000

Debra A. Gribble  
Notary Public of Oregon

My commission expires March 15 2000

### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by FRANGIS HAYMAN, SR., as grantor, to Aspen Title and Escrow, Inc., as trustee, in favor of GEORGE A. PONDELLA and DONALD E. BAILEY, as beneficiary, dated April 17, 1996, recorded May 10, 1996, in the mortgage records of Klamath County, Oregon, in Vol. No. M96, at page 17764, covering the following described real property situated in said county and state, to-wit:

The E1/2SE1/4NW1/4 of Section 17, T. 35 S., R. 10 E., W.M., in the County of Klamath, State of 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 \$162.50 per month from July through October 1998 and January 1999 through the present.

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: \$11,503.23 as of October 3, 1997 plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on April 5, 2000 at the hour of 10 a.m. Standard time, as established by Section

187.110, Oregon Revised Statutes, at 280 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.

**IMPORTANT WRITTEN NOTICE TO CONSUMER, THIS COMMUNICATION IS FROM A "DEBT COLLECTOR" AS DEFINED IN 15 USC SECTION 1692(a)(6). WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

DATED: Decem-  
ber 20, 1999

Scott D. MacArthur  
Successor Trustee,  
#2827 December 24, 31,  
1999, January 7, 14, 2000



State of Oregon, County of Klamath  
Recorded 04/05/00, at 8:13a m.  
In Vol. M00 Page 1119  
Linda Smith,  
County Clerk Fee\$ 36