

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed from  
Brian L. Davis and Sheila L. Davis

TO

Floyd Cobb, Glenn D. Quigley and Rose M. Quigley, with full rights of survivorship, Beneficiary

07 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:

Brian L. Davis, 3606 Hilyard Avenue, Klamath Falls, OR 97603

Sheila L. Davis, 3606 Hilyard Avenue, Klamath Falls, OR 97603

DHR/SED, 39 North Central, Medford, OR 97501

Carter-Jones Collections, 1143 Pine Street, Klamath Falls, OR 97601

Klamath County Building Dept. C/O Rod Davis, County Counsel, 305 Main Street, Klamath Falls, OR 97601

Yvonne Higgins, 1731 Winona Way, Klamath Falls, OR 97603

Bonnie Lam, Attorney at Law, 707 Main Street, Klamath Falls, OR 97601

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.

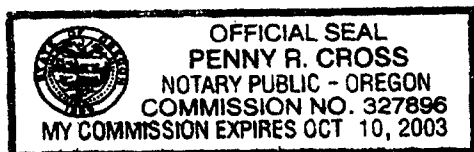
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on December 17, 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, Successor Trustee

Subscribed and sworn to before me this 18 day of April, 2000.



  
Notary Public for Oregon  
My commission expires 10/10/2003

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

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 2000, 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 POSTING NOTICE OF SALE IN LIEU OF SERVICE

STATE OF OREGON, County of Klamath) ss.

I, TEP LINDOW, being first duly sworn, depose 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 18 years and not the beneficiary or his successor in interest name in the notice of sale given under the terms of that certain trust deed described in said notice.

I posted the Notice of Sale of the real property in the Notice of Sale posting said notice on the premises of:

## NAME:

Brian L. Davis  
Sheila L. Davis

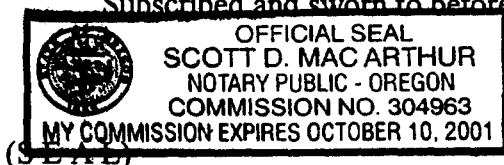
## ADDRESS:

3606 Hilyard Avenue  
Klamath Falls, Oregon 97603

Each of the notices so posted 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; and was posted by me on December 16, 1999. Each of said notices was posted after the Notice of Default and Election to Sell by the trustee was recorded and at least 90 days before the day fixed in said notice by the trustee for the trustee's sale.

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

Tep Lindow

Subscribed and sworn to before me this 16th day of December, 1999.

Scott D. MacArthur  
Notary Public for Oregon  
My Commission Expires: 10/10/2001

## CERTIFICATE OF POSTING

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 2915

Notice of Default

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:  
February 3, 10, 17, 24, 2000

Total Cost: \$594.84

Subscribed and sworn before me this 24th  
day of February 2000

Debra A. Gribble  
Notary Public of Oregon

My commission expires 3-15 2000



### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by BRIAN L. DAVIS and SHEILA L. DAVIS, husband and wife, as grantor, to ASPEN TITLE AND ESCROW, INC., as trustee, in favor of FLOYD COBB, GLENN D. QUIGLEY and ROSE M. QUIGLEY, as beneficiary, dated April 26, 1996, recorded May 1, 1996 in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M96 at page 17315, covering the following described real property situated in said county and state, to-wit:

The Easterly 80.45 feet of Lots 1 and 2, Block 6 ALTAMONT ACRES, in the County of Klamath, State of Oregon. EXCEPTING THEREFROM the Northerly 5 feet thereof.

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 \$326.22 per month from October 1999 through the present.

Taxes for the fiscal year 1998-1999 in the sum of \$643.15 plus interest thereon.

Taxes for the fiscal year 1999-2000 in the sum of \$690.57 plus interest thereon.

Failure to pay Klamath Irrigation District Lien in the amount \$864.71

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: \$36,363.37 as of September 21, 1999 plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on April 24, 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 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 in-

curred 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 USC SECTION 1692(a)(6). WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Dated: January 26, 2000.

Scott D. MacArthur  
Successor Trustee  
#2915 February 3, 10, 17, 24, 2000

State of Oregon, County of Klamath  
Recorded 04/18/00, at 9:45a. m.  
In Vol. M00 Page 12518  
Linda Smith,  
County Clerk Fee \$ 36<sup>00</sup>