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2000 APR 23 AM 11:55

Vol M00 Page 15149

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Clyde Collins and Linda Collins
14815 S. Broadway
Gardenia, CA 90248

To

Grantor

Jack & Erlene Simington

Gene & Ruth Neier

1126 No. Eldorado

Klamath Falls, OR 97601

Trustee

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

James R. Uerlings

110 N. 6th Street

Klamath Falls, OR 97601

SPACE RESERVED
FOR
RECORDER'S USE

State of Oregon, County of Klamath

Recorded 04/28/00, at 11:55 a m.In Vol. M00 Page 15149

Linda Smith,

County Clerk Fee\$ 31⁰⁰STATE OF OREGON, County of Klamath) ss:I, James R. Uerlings, 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

Anita Fettig

c/o Mike Ratliff
905 Main Street, Suite 200
Klamath Falls, OR 97601

Jeff Ball

City Attorney
500 Klamath Avenue
Klamath Falls, OR 97601

Clyde and Linda Collins

14815 S. Broadway
Gardenia, CA 90248

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 _____

James R. Uerlings

_____, 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 Klamath Falls, Oregon, on December 23, 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.

James R. Uerlings, Successor Trustee

Subscribed and sworn to before me on December 23, 1999

Jeff Ball
Notary Public for Oregon

My commission expires 10/2/01

* 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.

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TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Clyde Collins and Linda Collins

....., as grantor, to
Klamath County Title Company....., as trustee,
 in favor of Jack Simington and Erlene Simington, Gene Neier and Ruth Neier....., as beneficiary,
 dated July 29....., 1994., recorded August 19....., 1994., in the mortgage records of
Klamath..... County, Oregon, in ~~volume No. M94~~..... at page 25850....., or
 as ~~set forth in the instrument, hereinafter referred to~~..... (indicate which), covering the following described real
 property situated in said county and state, to-wit:

Lots 1, 2 and 3, in Block 60, Second Hot Springs Addition to the City of Klamath Falls, and the Southwesterly 10 feet of the vacated alley adjoining lots 1 and 2 in said Block 60, all according to the official plat thereof on file in the office of the County Clerk of Klamath County 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 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:

Final balloon payment due August 19, 1999 in the amount of \$66,746.43 plus interest at 8 % per annum from May 12, 1999 until paid.

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:

Final balloon payment due August 19, 1999 in the amount of \$66,746.43 plus interest at 8 % per annum from May 12, 1999; plus attorney fees and costs of foreclosure with interest thereon at 9 % per annum until paid.

WHEREFORE, notice hereby is given that the undersigned trustee will on May 10....., ~~19~~²⁰⁰⁰, at the hour of 10:00..... o'clock, A..M., in accord with the standard of time established by ORS 187.110, at 110 North Sixth 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 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 December 16....., 1999

James R. Uerlings

Successor Trustee

State of Oregon, County of Klamath.....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:

NS

15151 

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

RE: Trust Deed from

Clyde Collins and Linda Collins
14815 S. Broadway
Gardenia, CA 90248

To

Grantor

Jack & Erlene Simington
Gene & Ruth Neier
1126 No. Eldorado

Klamath Falls, OR 97601

Trustee

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

James R. Uerlings
110 N. 6th Street
Klamath Falls, OR 97601

SPACE RESERVED
FOR
RECORDER'S USE

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
_____ and/or as fee/file/instru-
ment/microfilm/reception No. _____,
Records of said County.

Witness my hand and seal of County
affixed.

NAME

TITLE

By _____, Deputy.

STATE OF OREGON,

County of _____ Klamath _____ } ss.

I, _____ James R. Uerlings _____,
being first duly sworn, depose, say and certify that:

I am the _____ successor _____ trustee in that certain trust deed executed and delivered by
_____ Clyde Collins and Linda Collins _____, as grantor, to
_____ Klamath County Title Company _____, as trustee,
in favor of _____ Jack Simington & Erlene Simington, Gene Neier & Ruth Neier _____, as beneficiary,
dated _____ July 29 _____, 1994, recorded _____ August 19 _____, 1994, in the Records of
_____ Klamath _____ County, Oregon, in _____ 665072 _____ volume No. _____ M94 _____ at page _____ 25850 _____, and/or as
_____ Klamath _____ County, Oregon, in _____ 665072 _____ volume No. _____ M94 _____ at page _____ 25850 _____, and/or as
_____ Klamath _____ County, Oregon, in _____ 665072 _____ volume No. _____ M94 _____ at page _____ 25850 _____, covering the following described real property
situated in the above-mentioned county and state, to-wit:

Lots 1, 2, and 3, in Block 60, Second Hot Springs Addition to the city of Klamath Falls,
and the Southwesterly 10 feet of the vacated alley adjoining lots 1 and 2 in said Block
60, all according to the official plat thereof on file in the office of the County
Clerk of Klamath County, Oregon.

I hereby certify that on January 10, 2000, ~~19~~ the above described real property was not occupied.
The word "trustee," as used in this affidavit means any successor trustee to the trustee named in the trust deed described above.

James R. Uerlings
James R. Uerlings, Successor Trustee

Subscribed and sworn to before me January 10, 2000



Julie A. Roberts
Notary Public for Oregon

My commission expires 10/21/01