

200 MAY 11 PM 3: 44

After recording, return to:

Marsha M. Jenkins, Trustee
GREENEN & GREENEN, PLLC
1104 Main St., Suite 400
Vancouver, WA 98660

K55484

Re: American Equities, Inc./Wiegand vs. Hodgkinson
Forfeiture of Trust Deed

**AFFIDAVIT OF MAILING - NOTICE OF DEFAULT AND ELECTION TO SELL
AND TRUSTEE'S NOTICE OF SALE**

STATE OF WASHINGTON)
) ss.
County of Clark)

I, Barbara Greene, being first duly sworn, state that I am now, and at all times herein mentioned was, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, and not the beneficiary or his successor in interest named in the proceeding referred to above.

That at the direction and under the supervision of the Trustee, I gave notice of default under the terms of the Trust Deed identified in the attached "Notice of Default and Election To Sell" and "Trustee's Notice of Sale" by mailing a copy thereof by first-class mail and by mailing a copy by certified mail with return receipt requested, on May 9, 2000, to each of the following named persons as the grantor or any successor in interest in the property described in said Trust Deed at their respective addresses, to wit:

DAVID S. HODGKINSON
148505 Snuffy Drive
Lapine, OR 97739

DIANE K. HODGKINSON
148505 Snuffy Drive
Lapine, OR 97739

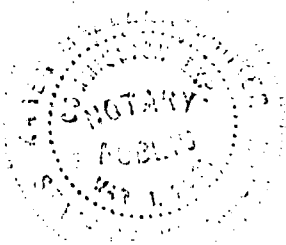
KLAMATH COUNTY TAX COLLECTOR
305 Main St.
Klamath Falls, OR 97601

K61-

Each of the notices so mailed was a true copy of the original "Notice of Default and Election To Sell" and "Trustee's Notice of Sale", and were contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in a United States post office at Vancouver, Washington.

Barbara Greene
Affiant - Barbara Greene

SUBSCRIBED AND SWORN to before me this 9th day of May, 2000.



Karen Malalla-Marker
NOTARY PUBLIC in and for the State of
Washington, residing at Vancouver.
My Commission Expires: 3-1-01

After recording, return to:

Marsha M. Jenkins, Trustee
Greenen & Greenen, PLLC
1104 Main St., Suite 400
Vancouver, WA 98660

NOTICE OF DEFAULT AND ELECTION TO SELL

TO: DAVID S. HODGKINSON
148505 Snuffy Drive
Lapine, OR 97739

DIANE K. HODGKINSON
148505 Snuffy Drive
Lapine, OR 97739

KLAMATH COUNTY TAX COLLECTOR
305 Main St.
Klamath Falls, OR 97601

Reference is made to that certain trust deed made by DAVID S. HODGKINSON and DIANE K. HODGKINSON, as grantor, to KEY TITLE COMPANY, an Oregon corporation, as trustee, in favor of CARLTON E. ROBERSON, as beneficiary, dated April 22, 1998, recorded May 1, 1998, in Volume M98, Page 14585, Mortgage Records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit:

Lot 7, Block 11, First Addition to River Pine Estates, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

The undersigned hereby certifies that she has no knowledge of any assignments of the trust deed by the trustee or by the beneficiary or any appointments of a successor trustee except as recorded in the mortgage records of the county or counties in which the above-described real property is situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by the grantor or other person owing an obligation, the performance of which is secured by said trust deed, or by their successor interest, with respect to provisions therein which authorize sale in the event of default of such provision; the default for which foreclosure is made is grantor's failure to pay when due the following sums:

a. Payments for November, 1999 through May, 2000 at \$431.06 each:	\$3,017.42
b. Real estate taxes for 1999-00, <u>not</u> including penalty and interest	<u>101.63</u>
Total	\$3,119.05

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 ESTIMATED sums being the following, to-wit:

Monthly payments, \$3,017.42; delinquent real property taxes, not including penalty and interest, \$101.63; title report, \$269.00; service and posting, \$100.00; copying, \$20.00; postage, \$20.00; Trustee's fee, \$200.00; Attorney's fee, \$350.00; long distance telephone, \$20.00; recording fees, \$150.00

The sum owing on the obligation secured by the Trust Deed is \$40,471.73 as of October 1, 1999.

NOTICE IS HEREBY GIVEN that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash, the interest in the said described property which the Grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:00 o'clock a.m., in accordance with the standard of time established by ORS 187.110 on the 21st day of September, 2000 at the entrance of the Klamath County Courthouse, at 316 Main Street, in Klamath Falls, Oregon, which is the hour, date and place last set for said sale.


Other than as shown of record, neither the said beneficiary nor the said trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to the grantor or of any lessee or other person in possession of or occupying the property.

Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five (5) 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 Deeds, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: May 4th, 2000.

GREENEN & GREENEN, PLLC


Marsha M. Jenkins, Trustee, OSB #92346
1104 Main St., Suite 400
Vancouver, WA 98660
(360) 694-1571

STATE OF WASHINGTON)
) ss.
County of Clark)

On this day personally appeared before me MARSHA M. JENKINS, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my and official seal this 4th day of May, 2000.



Barbara A. Heene
NOTARY PUBLIC in and for the State of
Washington, residing at Vancouver.
My commission expires: 5/31/2000

Marsha M. Jenkins, Trustee
Greenen & Greenen, PLLC
1104 Main St., Suite 400
Vancouver, WA 98660

TRUSTEE'S NOTICE OF SALE

TO: DAVID S. HODGKINSON
148505 Snuffy Drive
Lapine, OR 97739

DIANE K. HODGKINSON
148505 Snuffy Drive
Lapine, OR 97739

KLAMATH COUNTY TAX COLLECTOR
305 Main St.
Klamath Falls, OR 97601

Reference is made to that certain Trust Deed made by DAVID S. HODGKINSON and DIANE K. HODGKINSON as Grantor, to KEY TITLE COMPANY, an Oregon corporation, as Trustee, in favor of CARLTON E. ROBERSON as Beneficiary, dated April 22, 1998, recorded May 1, 1998, in Volume M98, Page 14585, in the Mortgage Records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit:

Lot 7, Block 11, First Addition to River Pine Estates, 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 the 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:

- a. Failure to pay monthly payments
- b. Failure to pay real property taxes

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 ESTIMATED sums being the following, to-wit:

Monthly payments, \$3,017.42; delinquent real property taxes, not including penalty and interest, \$101.63; title report, \$269.00; service and posting, \$100.00; copying, \$20.00; postage, \$20.00; Trustee's fee, \$200.00; Attorney's fee, \$350.00; long distance telephone, \$20.00; recording fees, \$150.00

The principal balance owing on the obligation secured by the Trust Deed is \$40,471.73 as of October 1, 1999.

WHEREFORE, NOTICE IS HEREBY GIVEN that the undersigned Trustee will, on September 21, 2000 at the hour of 10:00 o'clock a.m., in accordance with the standard of time established by ORS 187.110, at the entrance of the Klamath County Courthouse, located at 316 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 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 at the time of cure (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.

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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: May 4th, 2000.

GREENEN & GREENEN, PLLC

By: 

Marsha M. Jenkins, OSB #92346

Trustee and Attorney for Beneficiary

1104 Main St., Suite 400

Vancouver, WA 98660

(360) 694-1571

State of Oregon, County of Klamath

Recorded 05/11/00, at 3:44 p. m.

In Vol. M00 Page 17237

Linda Smith,

County Clerk Fee\$ 61⁰⁰