

## TRUSTEE'S NOTICE OF SALE

AMT 50438

Reference is made to that certain trust deed made by Donna Elliott, as a single woman, as grantor, to Aspen Title & Escrow, Inc., as trustee, in favor of Long Beach Mortgage Company, as beneficiary, dated 04/07/98, recorded 04/17/98, in the mortgage records of Klamath County, Oregon, as 56630 Vol. M98 Page 12891 and subsequently assigned to The Chase Manhattan Bank, as Trustee by Assignment, covering the following described real property situated in said county and state, to wit:

Lot 3, Empire Tracts, in the County of Klamath, State of Oregon.

PROPERTY ADDRESS: 4239 Frieda Street  
Klamath Falls, OR 97603

Both 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 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: monthly payments of \$519.01 beginning 12/01/99; plus late charges of \$21.37 each month beginning 12/16/99; plus prior accrued late charges of \$85.48; plus advances of \$82.56; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$48,277.62 with interest thereon at the rate of 9.99 percent per annum beginning 11/01/99; plus late charges of \$21.37 each month beginning 12/16/99 until paid; plus prior accrued late charges of \$85.48; plus advances of \$82.56; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

WHEREFORE, notice hereby is given that the undersigned trustee will on 07/28/00 at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 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 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. 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.

26830

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

3-28-00



David E. Fennell -- Trustee

For further information, please contact:

**Kathy Taggart**  
**ROUTH CRABTREE & FENNELL**  
**PO Box 4143**  
**Bellevue, WA 98009-4143**  
**(425) 586-1900**  
**File No.7069.22157/Elliott, Donna**

State of Washington, County of King) ss:

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

\_\_\_\_\_  
David E. Fennell -- Trustee

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE**

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, 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 Washington, 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 address, to-wit:

Brenda K. Newton  
c/o Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

Kendrick D. Davis  
c/o Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

Brenda K. Newton  
449 Claremore  
Corpus Christie, TX 78412

Kendrick D. Davis  
449 Claremore  
Corpus Christie, TX 78412

Donna Elliott  
4239 Frieda Street  
Klamath Falls, OR 97603

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 DAVID E. FENNELL, 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 Bellevue, Washington, on 3-28-00. 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.

Subscribed and sworn to before me on 3/28/00, by Donna Elliott.

Lisa C. Nicholson  
Notary Public for Washington

Residing at Bellevue, WA

My commission expires: 3/2/04

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from  
Elliott, Donna

Grantor

to

DAVID E. FENNELL,

Trustee

File No. 7069.22157

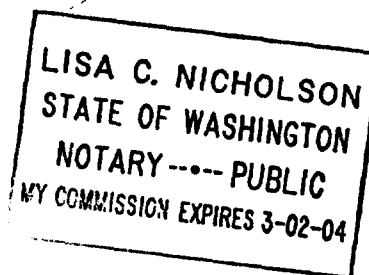
After recording return to:

ROUTH CRABTREE & FENNELL

Attn: Kathy Taggart

PO Box 4143

Bellevue, WA 98009-4143



# PROOF OF SERVICE

STATE OF OREGON )  
 ) ss.  
County of Klamath )

26832

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, along with the Notice Under the Federal Fair Debt Collection Practices Act, upon the OCCUPANTS at the following address:

**4239 FRIEDA STREET, KLAMATH FALLS, OREGON 97603**, as follows:

Personal service upon Donna Elliott, by delivering said true copy, personally and in person, at the above address on March 28, 2000 at 5:50 p.m.

Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2000 at \_\_\_\_\_:\_\_\_\_\_.m.

Substitute service upon Kelly Elliott, by delivering said true copy, at his/her usual place of abode as indicated above, to Donna Elliott who is a person over the age of 14 years and a member of the household on March 28, 2000 at 5:50 p.m.

Substitute service upon \_\_\_\_\_, by delivering said true copy, at his/her usual place of abode as indicated above, to \_\_\_\_\_ who is a person over the age of 14 years and a member of the household on \_\_\_\_\_, 2000 at \_\_\_\_\_:\_\_\_\_\_.m.

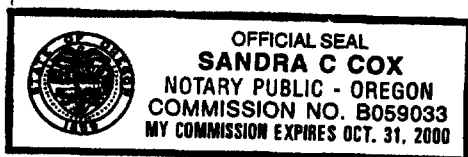
I declare under the penalty of perjury that the above statement is true and correct.



JEFFREY K. HAMAR

184488

SUBSCRIBED AND SWORN to before me this 29 day of March, 2000.



  
Notary Public for Oregon

# 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#3142

Trustee's Notice of Sale

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:

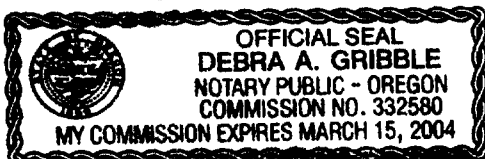
May 9, 16, 23, 30, 2000

Total Cost: \$661.50

Subscribed and sworn before me this 30th  
day of May 20 00

Debra A. Gribble  
Notary Public of Oregon

My commission expires March 15 20 04



### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Donna Elliott, as a single woman, as grantor, to Aspen Title & Escrow, Inc., as trustee, in favor of Long Beach Mortgage Company, as beneficiary, dated 04/07/98, recorded 04/17/98, in the mortgage records of Klamath County, Oregon as 56630 Vol. M28 Page 12891 and subsequently assigned to The Chase Manhattan Bank, as Trustee by Assignment, covering the following described real property situated in said county and state, to wit: Lot 3, Empire Tracts, in the County of Klamath, State of Oregon. PROPERTY ADDRESS: 4239 Freida Street Klamath Falls, OR 97603

Both 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 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: monthly payments of \$519.01 beginning 12/01/99; plus late charges of \$21.37 each month beginning 12/16/99; plus prior accrued late charges of \$85.48; plus advances of \$82.56; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums

being the following, to wit: \$48,277.62 with interest thereon at the rate of 9.99 percent per annum beginning 11/01/99; plus late charges of \$21.37 each month beginning 12/16/99 until paid; plus prior accrued late charges of \$85.48; plus advances of \$82.56; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and by any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

WHEREFORE, notice hereby is given that the undersigned trustee will on 07/28/00 at the hour of 10:00 o'clock, A.M. in accordance with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Court house 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 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 there by secured and the cost 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: March 28, 2000  
David E. Fennell - Trustee

For further information, please contact:  
Kathy Taggart  
ROUTH CRABTREE & FENNELL  
PO BOX 4143  
Bellevue, WA 98009-4143  
(425) 586-1900  
File No. 7069-22157/E1

I, Donna Elliott, State of Washington, County of King ss:

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

David E. Fennell - Trustee

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

#3142 May 9, 16, 23, 30, 2000

State of Oregon, County of Klamath  
Recorded 07/21/00, at 3:59 p.m.  
In Vol. M00 Page 26829  
Linda Smith,  
County Clerk Fee\$ 41.00