Vol MOO Page 27712

### 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:

BrooksAmerica Mortgage Corporation 6 Hutton Centre Drive, #1025 Santa Ana, CA 92707

Caresa R. Overstreet 4645 Peck Street nka 4645 Peck Drive Klamath Falls, OR 97603

Caresa R. Overstreet 2528 Hope Street Klamath Falls, OR 97603

BrooksAmerica Mortgage Corporation 6 Hutton Centre Drive, #1020 Santa Ana. CA 92707

Michael P. Overstreet 4645 Peck Street nka 4645 Peck Drive Klamath Falls, OR 97603

Michael P. Overstreet 2528 Hope Street Klamath Falls, OR 97603

Western Financial Savings Bank, F.S.B. P.O. Box 19614 Irvine, CA 92623-9614

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 scaled envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on T. 26 'OU' 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.

20 OC) by

Subscribed and sworn to before me on 4126

lotary Public for Washington

Residing at

My commission expires:

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

**RE: Trust Deed from** 

Overstreet, Michael P. and Carisa R.

Grantor

DAVID E. FENNELL,

Trustee

File No. 7273.21137

After recording return to: **ROUTH CRABTREE & FENNELL** Attn: Vonnie Nave PO Box 4143

Bellevue, WA 98009-4143

JULIETH DONATO STATE OF WASHINGTON NOTARY -- -- PUBLIC MY COMMISSION EXPIRES 3-17-03

#### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Michael P. Overstreet and Carisa R. Overstreet, as grantor, to U.S. Bank of Washington, National Association, as trustee, in favor of U.S. Bancorp Mortgage Company, as beneficiary, dated 02/18/93, recorded 02/24/93, in the mortgage records of Klamath County, Oregon, in Book: M-93, Page: 3830 and subsequently assigned to PNC Bank, N.A. by Assignment recorded as Vol. M-94, Page 33128, covering the following described real property situated in said county and state, to wit:

The Easterly 50 fet of Lot 19, all of Lot 20, and the Southerly 1/2 of the vacated alley adjacent to said property on the North, all in Block 12, St. Francis Park, in the County of Klamath, State of Oregon.

PROPERTY ADDRESS: 4645 Peck Street nka 4645 Peck Drive 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 \$366.68 beginning 10/01/99; plus late charges of \$14.29 each month beginning 10/16/99; plus prior accrued late charges of \$0.00; plus advances of \$1,863.60; 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: \$36,977.55 with interest thereon at the rate of 7.75 percent per annum beginning 09/01/99; plus late charges of \$14.29 each month beginning 10/16/99 until paid; plus prior accrued late charges of \$0.00; plus advances of \$1,863.60; 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 08/25/00 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 caring 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,	i, the word "grantor"	" includes any	successor in in	terest to	the granto	or as
well as any other person owing an obligation, the performance	of which is secure	ed by said tru	ist deed, and the	e words	"trustee"	and
"beneficiary" include their respective successors in interest, if any.		<u>,                                     </u>				
. 1						

 $_{\text{DATED}}$   $\mathcal{H}_{\text{D}}$  ,  $_{20}$ 

David E. Fennell -- Trustee

For further information, please contact:

Vonnie Nave ROUTH CRABTREE & FENNELL PO Box 4143 Bellevue, WA 98009-4143 (425) 586-1900 File No.7273.21137/Overstreet, Michael P. and Carisa R.

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 NON-OCCUPANCY

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

I, Dave Shuck, first duly sworn, depose and say:

That I am, and have been at all material times hereto, a competent person over the age of eighteen years and a resident of Klamath County, State of Oregon. I am not a party to, an attorney in, or interested in any suit of action involving the property described below.

That on the 26th day of April, 2000, after personal inspection, I found the following described real property to be unoccupied:

The Easterly 50 feet of Lot 19, all of Lot 20, and the Southerly ½ of the vacated alley adjacent to said property on the North, all in Block 12, St. Francis Park, in the County of Klamath, State of Oregon.

Commonly known as:

4645 Peck Street nka 4645 Peck Drive

Klamath Falls, OR 97603

DAVE SHUCK

185614

Unscripted AMD SWORN to before me this  $\frac{27}{2}$  day of April, 2000.

MARGARET A NIELSEN
NOTARY PUBLIC - OREGON
COMMISSION NO. 333599
MY COMMISSION EXPIRES APRIL 12, 2004

Notary Public for Oregon

# Affidavit of Publication

### STATE OF OREGON. **COUNTY OF KLAMATH**

I, Larry L. Wells, Business Manager, being first duly sworn, despose 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 Lega1#3221 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: June 1, 8, 15, 22, 2000 Total Cost: \$688.50 Subscribed and sworn before me this 22nd June 20 00

My commission expires March 15, 20 04 OFFICIAL SEAL DEBRA A. GRIBBLE NOTARY PUBLIC - OREGON COMMISSION NO. 332580

MY COMMISSION EXPIRES MARCH 15, 2004

Notary Public of Oregon

## OF SALE

Reference made to that certain trust deed made by Michael P. Overstreet and Carlsa R. Over has declared all suns street, as grantor, to owing on the obligation U.S. Bank of Washington, National Associa tion, as trustee, in favor of U.S. Bancorp Mortgage Company, as beneficiary, dated 02% signed to PNC Bank, N.A. by Assignment recorded as Volume M94 Page 33128, covering the following described real property situated in said county and state, to wit:

The Easterly 50 feet of Lot 19, all of Lot 20, and the Southerly 1/2 2 of the vacated alley adjacent to said proper ty on the North, all in Block 12, St Francis Park, in the County of Klamath, State of Ore-

PROPERTY DRESS: 4645 Peck Street nka 4645 Peck Drive, Klamath Fall

OR 97603 Both the benefic ary and the trustee have elected to sell the real property to satisty the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Sta tutes 86.735(3); the default for which the form closure is made is grant tor's failure to pay when due the following ments of \$366.68 beginning 10/01/99; plus late charges of \$14.29 each month beginning 10/16/99; plus prior accruely late charges of \$0.00% plus advances of \$1,863.60; together with title expense, costs, trustee's fees and ac torney's fees incurred herein by reason of said default: and any further

TRUSTEE'S NOTICE sums advanced by the beneficiary for the pro tection of the above described real property and its interest thereir

By reason of said default the beneficiary secured by the trust

late charges of \$0.00; further sums advanced and trust deed, togeth-by the beneficiary for er with trustee's and and trust deed, togeth-the protection of the torney's fees not ex-above described real ceeding the amounts property and its inter-est therein.

in the City of Klamath Their respective suc-Falls, County of Kla-cessors in interest, if math, State of Oregon, any, sell at public auction to ATED April 17, 2000 seil at public auction to DATED April 17, 2000 the highest bidder for David E. Fennell -- cash the interest in the Trustee described real property for further informa-which the grantor had tion, please contact: or had power to convey from Nave at the time of execution ROUTH CRABTREE & by grantor of the trust FENNELL deed, together with OBOX,4143 any interest which the Bellevue WA 98000-4142 deed, together with PO Box 4143
any interest which the Bellevue, WA 98009-4143
tgrantor or grantor's 3425) 586-1900
successors in interest File No. 7273.21137/
acquired after the exe Overstreet, Michael P.
cution of the trust deed and Carisa R.
to satisfy the foregoing State of Washington,
obligations thereby se County of King)ss: cured and the costs and expenses of sale, intluding 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 pay-ment to the beneficiary of the entire amount then due (other than deed immediately due isuch portion of the being the following, to then be due had no de-wit: \$36,977.55 with in-fault occurred) and by beneficiary, dated 02/wit: \$36,977.55 with in-fault occurred) and by 18/93, recorded 02/24/ terest thereon at the fouring any other de93, in the mortgage rate of 7.75 percent per fault complained of records of Klamath annum beginning 09/01/ herein that is capable County, Oregon, in 99; plus late charges of of being cured by tenbook M-93, Page 3830 \$14.29 leach month bedering the performance and subsequently as ginning 10/16/99 until required under the oblipaid; plus prior accrued gation or trust deed, and in addition to payplus advances of Ing said sollis of Ing. \$1,863.60; together with ing the performance ing said sums or tendertitle expense, costs, necessary to cure the trustee's fees and at- default, by paying all torneys fees incurred costs and expenses acherein by reason of tually incurred in ensaid default; and any forcing the obligation

WHEREFORE, In construing this WHEREFORE, In construing this notice hereby is given notice, the singular inthat the undersigned cludes the plural, the trustee will on 08/25/00 word "grantor" includes at the hour of 10:00 any successor in inter-to-clock, A.M. in accord est to the grantor as with the standard of well as any other perwith the standard of well as any other per-time established by son owing an obligation, ORS 187.110, at the fol-time performance of lowing place: inside the which is secured by 1st floor lobby of the said trust deed, and the Klamath County Court words "trustee" and house, 316 Main Street, "beneficiary" include

the under-

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

David E. Fennell - Trustee State S

State of Oregon, County of Klamath Recorded 07/28/00, at 3:/8 p. m. In Vol. M00 Page 277/2 Linda Smith, County Clerk Fee\$ 46