

# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from  
Donald and Karen Day  
Heather L. Moran                      Granter  
To  
Paul S. Cosgrove, Esq.                      Trustee

## AFTER RECORDING RETURN TO

Paul S. Cosgrove  
Lindsay Hart Neil & Weigler LLP  
Suite 3400, 1300 SW Fifth  
Portland, OR 97201 65009-224

# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Multnomah ) ss.

I, Laura L. Henderson, 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:

NAME \_\_\_\_\_

ADDRESS

See Attached Exhibit 'A'

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 Laura L. Henderson 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 Portland Oregon, on May 19th, 2000. 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 May 19, 2000

Notary Public for Oregon.

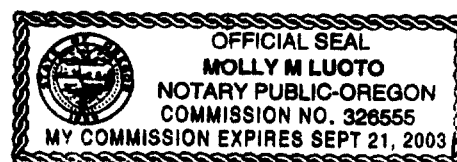


Exhibit 'A'

Occupants

4449 Greensprings Drive  
Klamath Falls, OR 97601

Donald W. Day  
11747 Whispering Pines  
Keno, OR 97627

Karen C. Day  
4430 Greensprings Drive  
Klamath Falls, OR 97601

Heather L. Moran  
4647 Winter Avenue, Apt. 70  
Klamath Falls, OR 97603-2410

Ground Affects Automotive  
Attn: Mark Pemberton  
1616 Ivory Street  
Klamath Falls, OR 97603

Carter-Jones Collections, LLC  
R/A Kent Pederson  
1143 Pine Street  
Klamath Falls, OR 97601

Conseco Finance Servicing Corp.  
R/A CT Corporation Systems  
601 SW 2<sup>nd</sup> Avenue, Suite 2050  
Portland, OR 97204

Glen H. Prohaska, Esq.  
4425 SW Corbett Avenue  
Portland, OR 97201

**SUPPLEMENTAL AFFIDAVIT OF  
MAILING TRUSTEE'S  
NOTICE OF SALE**

RE: Trust Deed from  
Donald and Karen Day  
Heather L. Moran                      Granter  
To  
Paul S. Cosgrove, Esq.                      Trustee

**AFTER RECORDING RETURN TO**  
Paul S. Cosgrove  
Lindsay Hart Neil & Weigler LLP  
Suite 3400, 1300 SW Fifth  
Portland, OR 97201 65009-224

# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Multnomah ) ss.

I, Laura L. Henderson, 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:

NAME \_\_\_\_\_

ADDRESS

Donald W. Day

P.O. Box 2216, Quartzsite, AZ 85346

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 Laura L. Henderson 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 Portland Oregon, on May 24, 2000. 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.

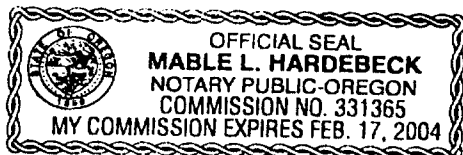
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Naura L. Hendrix M

Subscribed and sworn to before me on May 24, 2000

Nath L. Hardebeck

Notary Public for Oregon.



# TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Donald W. Day and Karen C. Day, as tenants by the entirety and Heather L. Moran, all as tenants in common, as grantor, to Aspen Title, as trustee, in favor of Associates Financial Services Company of Oregon, Inc., as beneficiary, dated March 22, 1999, recorded March 29, 1999 in the mortgage records of Klamath County, Oregon, in book M-99 at page 10944, covering the following described real property situated in said county and state, to-wit:

Lot 2, Block 2, STEWART ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon.

Our title company has informed us the real property in question is located at: 4449 Greensprings Drive, Klamath Falls, OR.

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:

Monthly payments for December 1999 through May 2000, in the amount of \$2,753.52, plus real property taxes for 1998-99 and 1999-00.

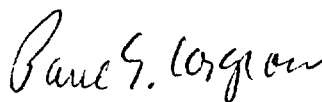
By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit:

As of December 1, 1999 the principal sum of \$38,449.71, plus interest thereafter; plus any sums advanced by the beneficiary or beneficiary's successor in interest for the protection of the above described property, plus attorney and trustee's fees incurred by reason of said default.

WHEREFORE, notice hereby is given that the undersigned trustee will on September 22, 2000, at the hour of 11:00 a.m., in accord with the standard of time established by ORS 187.110, at the main entrance to 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 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. The Federal Fair Debt Collection Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.

DATED: May 16, 2000



Paul S. Cosgrove, Successor Trustee

State of Oregon, County of Multnomah ) ss:

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

Laura L. Henderson, For said Trustee

FOR ADDITIONAL INFORMATION  
CALL (503) 226-7677

65009 224/ MORAN/DAY

## AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON       )  
                                  ) ss.  
County of Klamath       )

I, Ed Foreman, being 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 24th day of May, 2000, after personal inspection, I found the following described real property to be unoccupied:

Lot 2, Block 2, STEWART ADDITION TO THE CITY OF KLAMATH FALLS,  
in the County of Klamath, State of Oregon

Commonly known as:       4449 Greensprings Drive  
                                  Klamath Falls, OR 97601

I declare under the penalty of perjury that the above statements are true and correct.

*Ed Foreman*

ED FOREMAN

186537

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of June, 2000, by Ed Foreman.



*Margaret A. Nielsen*  
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#3362

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:

July 26, 2000

August 2, 9, 16, 2000

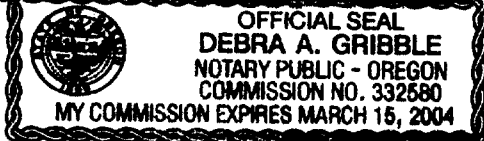
Total Cost: \$594.00

Subscribed and sworn before me this 16th day of August 20 00

Debra A. Gribble

Notary Public of Oregon

My commission expires March 15, 2004



### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Donald W. Day and Karen C. Day, as tenants in

common, as grantor, to Aspen Title, as trustee, in favor of Associates Financial Services Company of Oregon, Inc., as beneficiary, dated March 22, 1999, recorded March 29, 1999 in the mortgage records of Klamath County, Oregon, in book M-99 at page 10944, covering the following described real property situated in said county and state, to-wit:

Lot 2, Block 2, STEWART ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon.

Our title company has informed us the real property in question is located at 4449 Greensprings Drive, Klamath Falls, OR.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and 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 for December 1999 through May 2000, in the amount of \$2,753.52, plus real property taxes for 1998-99 and 1999-00.

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:

As of December 1, 1999 the principal sum of \$38,449.71, plus interest thereafter; plus any sums advanced by the beneficiary or beneficiary's successor in interest for the protection of the above described property, plus attorney and trustee's fees incurred by reason of said default.

WHEREFORE, notice hereby is given that the undersigned trustee will on September 22, 2000, at the hour of 11:00 a.m., in accord with the standard of time, established by ORS 187.110, at the main entrance to 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 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, 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

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 perfor-

mance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing 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. The Federal Fair Debt Collection Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.

DATED: May 16, 2000  
Paul S. Cosgrove  
Successor Trustee  
State of Oregon, County of Multnomah ss:

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

Laura L. Henderson,  
For said Trustee  
FOR ADDITIONAL INFORMATION CALL

(503) 226-7677  
#3362 July 26, 2000  
August 2, 9, 16, 2000

State of Oregon, County of Klamath  
Recorded 09/13/00, at 2:38 p.m.  
In Vol. M00 Page 33443  
Linda Smith,  
County Clerk Fees \$46<sup>00</sup>