

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed from
Earl E. Wyer, Grantor

TO

George A. Pondella, Donald E. Bailey and Mary Ann Bailey, Beneficiary

After recording return to:

OC Scott D. MacArthur, P.C.
280 Main Street
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Scott D. MacArthur, 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:

Earl E. Wyer, 2804 Crosby Avenue, #110, Klamath Falls, OR 97603.

Earl E. Wyer, P.O. Box 24491, Seattle, WA 98124.

Larry Wyer, P.O. Box 2265, Auburn, WA 98071.

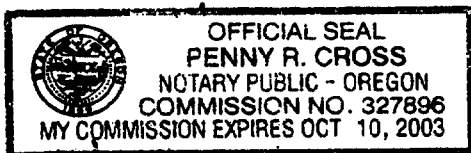
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or 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 Scott D. MacArthur, 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 Klamath Falls, Oregon, on June 29, 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.

Scott D. MacArthur
Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 23rd day of October, 2000.



Penny R. Cross
Notary Public for Oregon
My commission expires 10/10/2003

STATE OF OREGON, County of Klamath ss.

I certify that the within instrument was received for record on the _____ day of _____, 2000, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Name

Title

By _____, Deputy

AFFIDAVIT OF NON-OCCUPANCY

38490

STATE OF OREGON, County of Klamath) ss.

I, SCOTT D. MacARTHUR, being first duly sworn, depose and certify that:

I am the Successor Trustee under the Trust Deed delivered by Earl E. Wyer , as grantor to Aspen Title and Escrow, Inc., as Trustee to George Pondella, Donald E. Bailey and Mary Ann Bailey, as Beneficiary, dated September 25, 1997 and recorded October 2, 1997 at Volume M97, page 32965 of the Mortgage Records of Klamath County, Oregon covering the following described property situated in Klamath County, Oregon

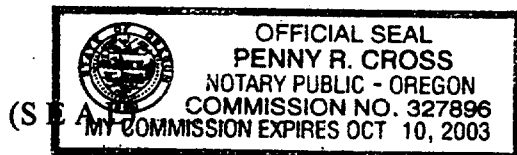
The N ½ E ½ of Lot 12, Block 2 of KLAMATH FALLS FOREST ESTATES, SYCAN UNIT, in the County of Klamath, State of Oregon.

I hereby certify that the above described real property was not occupied at the time the Notice of Default and Election to Sell was recorded on June 29, 2000.

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

Scott D. MacArthur

Subscribed and sworn to before me this 23rd day of October, 2000.



Penny R. Cross
Notary Public for Oregon
My Commission Expires: 10/10/2003

CERTIFICATE OF NON-OCCUPANCY STATE OF OREGON, County of Klamath)ss.

I certify that the within instrument received for recording on the _____ day of _____, 2000, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____, Record of Deeds of said County.

Witness my hand and seal of County affixed.

After Recording return to:
Scott D. MacArthur, P.C.
280 Main Street
Klamath Falls, OR 97601

Name _____ Title _____
By _____ Deputy _____

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 #3456

Notice of Default and Election to Sell
Earl E. Wyer

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:

September 1, 8, 15, 22, 2000

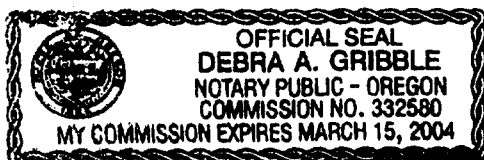
Total Cost: \$567.00

Subscribed and sworn before me this 22nd
day of September 20 00

Debra A. Gribble

Notary Public of Oregon

My commission expires March 15 20 04



NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Earl E. Wyer, as grantor, to Aspen Title and Escrow, Inc., as trustee, in favor of GEORGE A. PONDELA, JR., as to an undivided one half interest and DONALD E. BAILEY and MARY ANN BAILEY, husband and wife, as to an undivided one-half interest, as beneficiary, dated September 25, 1997, recorded October 2, 1997, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M97 at page 32965, covering the following described real property situated in said county and state, to-wit:

The N 1/2 E 1/2 of Lot 12, Block 2, KLAMATH FALLS FOREST ESTATES, SYCAN UNIT, in the County of Klamath, State of Oregon.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligation secured by said trust deed and a Notice of Default has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The Default for which the foreclosure is made to grantor's failure to pay when due the following sums:

Payments in the amount of \$80.00 per month from June 1998 through the present. Taxes for the fiscal 1999-2000, delinquent in the sum of \$60.8 plus interest.

By reason of said default, the beneficiary has declared all sum owing on the obligation secured by said trust deed immediately due and payable, said sum being the following, to-wit: \$4,713.75 as of March 9, 1999, plus interest.

WHEREFORE notice hereby is given that the undersigned trustee will on October 30, 2000 at the hour of a.m. Standard time, established by Section 187.110, Oregon Revised Statutes, at 280 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 said describe real property which the grantors had or have power to convey at the time of the execution by him of said trust deed, to satisfy the foregoing obligation thereby secured and the costs or their 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 Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 Section 86.753 of Oregon Revised Statutes.

IMPORTANT WRITTEN NOTICE TO CONSUMER, THIS COMMUNICATION IS FROM A "DEBT COLLECTOR" AS DEFINED IN 15 USC SECTION 1692(a)(6). WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

DATED AUGUST 25,

2000
Scott D. MacArthur
Successor Trustee
#3456 September 1, 8,
15, 22, 2000

State of Oregon, County of Klamath
Recorded 10/23/00, at 8:57 A.M.
In Vol. M00 Page 38488
Linda Smith,
County Clerk Fee\$ 36.00