

Vol MOO Page 41394

After recording return to:  
Christy Melhorn  
PRESTON GATES & ELLIS LLP  
222 SW Columbia St., Suite 1400  
Portland, OR 97201

### AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

*Client Matter Number 42999-50014/Michelle L. Harper*

STATE OF OREGON, County of Multnomah ) ss:

I, the undersigned, Christy Melhorn, 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 *Trustee's Notice of Sale* given under the terms of that certain deed described in said notice.

I gave notice of the real property described in the attached *Trustee's 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:

7/14

NAME	ADDRESS
Michelle L. Harper	3405 Holbrook Street Klamath Falls, OR 97601
Christopher L. Harper	3405 Holbrook Street Klamath Falls, OR 97601
All Residents/Occupants	3405 Holbrook Street Klamath Falls, OR 97601
Michelle L. Harper	PO Box 8112 Klamath Falls, OR 97602
Christopher L. Harper	PO Box 8112 Klamath Falls, OR 97602
Carter-Jones Collections, L.L.C.	PO Box 145 Klamath Falls, OR 97601-0375
Carter-Jones Collections, L.L.C. Kent Pederson, Reg. Agent	1143 Pine St. Klamath Falls, OR 97601-0375

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 *Trustee's Notice of Sale* so mailed was certified by an attorney of record to be a true copy of the original *Trustee's Notice of Sale*, 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 8/4/00. 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 *Trustee's Notice of Sale* was mailed after the Notice of Default and Election to Sell described in said notice of sale was recorded.

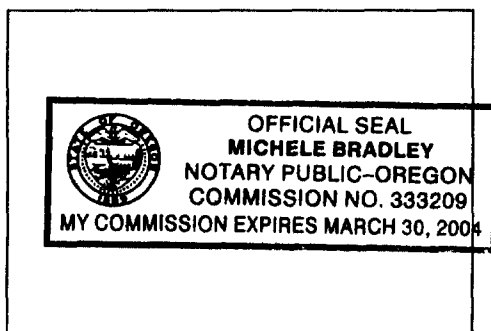
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Christy Melhorn  
Christy Melhorn

STATE OF OREGON )  
 ) ss.  
COUNTY OF MULTNOMAH )

I certify that Christy Melhorn has appeared before me and was authorized to execute this instrument on the 9th day of August, 2000,

(SEAL)



Michele Bradley  
Notary Public for Oregon  
My Commission expires 5/30/2004

---

AFFIDAVIT OF MAILING TRUSTEE'S  
NOTICE OF SALE

---

Michelle L. Harper, Grantor

Loan No.0106402332

TO

Linda Johannsen, Trustee

Client-Matter No. 42999-50014

---

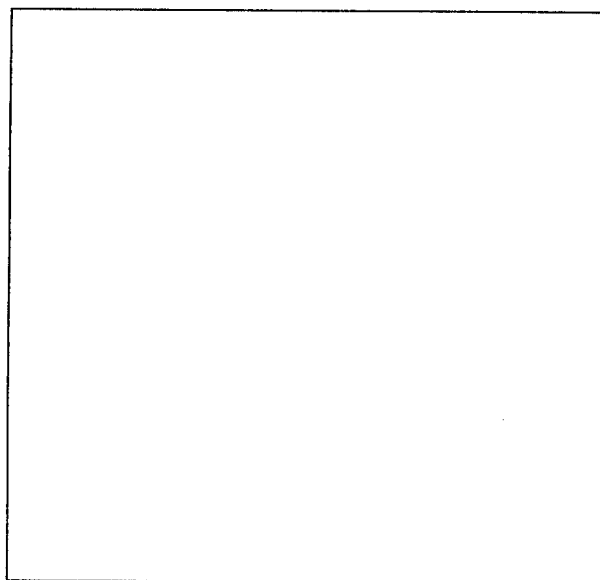
After recording return to:

Christy Melhorn

PRESTON GATES & ELLIS LLP

222 SW Columbia St., Suite 1400

Portland, OR 97201



After recording return to:  
Christy Melhorn  
PRESTON GATES & ELLIS LLP  
222 SW Columbia St., Suite 1400  
Portland, OR 97201

*Client Matter Number 42999-50014/Michelle L. Harper*

### TRUSTEE'S NOTICE OF SALE

**The Fair Debt Collection Practices Act requires that we state the following: This is an attempt to collect a debt and any information obtained will be used for that purpose.**

Reference is made to that certain trust deed made by Michelle L. Harper and Christopher L. Harper, grantor(s), to Lucy E. Kivel Esq., as trustee, in favor of TMS Mortgage Inc., dba The Money Store, as beneficiary, dated November 17, 1998, recorded November 23, 1998, in Book M-98, Page 42848, in the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county and state, to wit:

Lot 4, Block 3, Tract 1046, ROUND LAKE ESTATES, in the County of Klamath, State of Oregon.

PROPERTY ADDRESS: 3405 Holbrook Street, Klamath Falls, OR 97601

*Page 2 / TRUSTEE'S NOTICE OF SALE*

*Client Matter Number 42999-50014/Michelle L. Harper*

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 of \$478.88 beginning May 1, 2000; plus late charges of \$23.94 each month beginning May 16, 2000; plus prior accrued late charges of \$167.58; 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 said trust deed immediately due and payable, said sums being the following, to wit: \$52,042.09 with interest thereon at the rate of 10.350 percent per annum beginning April 1, 2000; plus late charges of \$23.94 each month beginning May 16, 2000, until paid; plus prior accrued late charges of \$167.58; 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.

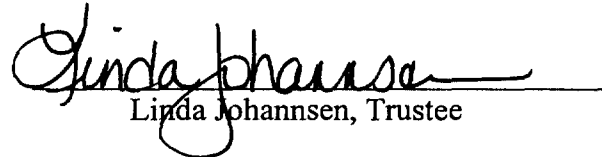
WHEREFORE, notice hereby is given that the undersigned trustee will, **on Friday, December 8, 2000, at the hour of 11:00 A.M.**, in accordance with the standard of time established by ORS 187.110, at the following place: at the office of Brandsness Brandsness & Rudd 411 Pine Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in said 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.

Page 3 / TRUSTEE'S NOTICE OF SALE

Client Matter Number 42999-50014/Michelle L. Harper

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 August 2, 2000.

  
Linda Johansen, Trustee

For further information, please contact:

Christy Melhorn

Preston Gates & Ellis LLP

222 SW Columbia St., Suite 1400

Portland, OR 97201

(503) 228-3200

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

---

Attorney of Record

## PROOF OF SERVICE

STATE OF OREGON )  
 ) ss.  
 County of Klamath )

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, upon the OCCUPANTS at the following address:

**3405 HOLBROOK STREET, KLAMATH FALLS, OREGON 97601**, as follows:

Personal service upon Kellee Hillaire, by delivering said true copy, personally and in person, at the above address on Aug. 10,, 2000 at 11:45 a. m.

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

Substitute service upon Gloria Hillaire, by delivering said true copy, at his/her usual place of abode as indicated above, to Kellee Hillaire who is a person over the age of 14 years and a member of the household on Aug. 10, 2000 at 11:45 a. m.

Substitute service upon Doreen Vargas + Phyllis Miller, by delivering said true copy, at his/her usual place of abode as indicated above, to Kellee Hillaire who is a person over the age of 14 years and a member of the household on Aug. 10, 2000 at 11:45 a. m.

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

Dave Shuck  
 Dave Shuck 189495

Subscribed and sworn to before me this 10<sup>th</sup> day of August 2000, by Dave Shuck



Margaret A. Nielsen  
 Notary Public for Oregon

42999-50014/Harper

**CERTIFICATE OF MAILING**

STATE OF OREGON       )  
                                  ) ss.  
County of Multnomah    )

I, Sophie Butler, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On August 10, 2000, I mailed a true copy of the Trustee's Notice of Sale, via First Class Mail, postage pre-paid, together with a statement of the date, time, and place at which substitute service was made, to Gloria Hillaire.

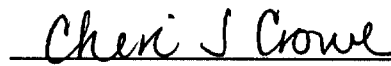
The envelope was addressed as follows: GLORIA HILLAIRE  
3405 HOLBROOK STREET  
KLAMATH FALLS, OR 97601

  
\_\_\_\_\_  
Sophie Butler

189495

SUBSCRIBED AND SWORN TO BEFORE ME this 10th day of August, 2000.



  
\_\_\_\_\_  
Notary Public for Oregon



42999-50014/Harper

**CERTIFICATE OF MAILING**

STATE OF OREGON       )  
                                  ) ss.  
County of Multnomah    )

I, Sophie Butler, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On August 10, 2000, I mailed a true copy of the Trustee's Notice of Sale, via First Class Mail, postage pre-paid, together with a statement of the date, time, and place at which substitute service was made, to Doreen Vargas.

The envelope was addressed as follows: DOREEN VARGAS  
3405 HOLBROOK STREET  
KLAMATH FALLS, OR 97601

  
\_\_\_\_\_  
Sophie Butler

189495

SUBSCRIBED AND SWORN TO BEFORE ME this 10th day of August, 2000.



  
\_\_\_\_\_  
Notary Public for Oregon

42999-50014/Harper

**CERTIFICATE OF MAILING**

STATE OF OREGON       )  
                                  ) ss.  
County of Multnomah    )

I, Sophie Butler, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On August 10, 2000, I mailed a true copy of the Trustee's Notice of Sale, via First Class Mail, postage pre-paid, together with a statement of the date, time, and place at which substitute service was made, to Phyllis Miller.

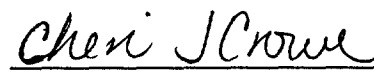
The envelope was addressed as follows: PHYLLIS MILLER  
3405 HOLBROOK STREET  
KLAMATH FALLS, OR 97601

  
\_\_\_\_\_  
Sophie Butler

189495

SUBSCRIBED AND SWORN TO BEFORE ME this 10th day of August, 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#3521

Trustee's Notice of Sale

Michelle L. Harper

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:

October 12, 19, 26, 2000

November 2, 2000

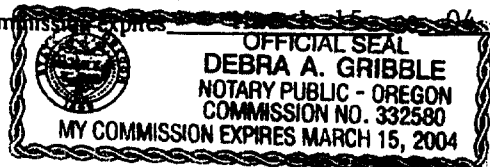
Total Cost: \$715.50

Subscribed and sworn before me this 2nd  
day of November 20 00

*Debra A. Gribble*

Notary Public of Oregon

My commission expires



### TRUSTEE'S NOTICE OF SALE

The Fair Debt Collec-  
tion Practices Act re-  
quires that we state the  
following: This is an at-  
tempt to collect a debt  
and any information ob-  
tained will be used for  
that purpose.

Reference is  
made to that certain  
trust deed made by  
Michelle L. Harper and  
Christopher L. Harper,  
grantor(s), to Lucy E.  
Kivel Esq., as trustee,  
in favor of TMS Mort-  
gage Inc., dba The  
Money Store, as bene-  
ficiary, dated Novem-  
ber 17, 1998, recorded  
November 23, 1998, in  
Book M-98, Page 42848,  
in the mortgage  
records of Klamath  
County, Oregon, cover-  
ing the following de-  
scribed real property  
situated in said county  
and state, to wit:

Lot 4, Block 3,  
Tract 1046, ROUND  
LAKE ESTATES, in the  
County of Klamath,  
State of Oregon.  
PROPERTY AD-  
DRESS: 3405 Holbrook  
Street, Klamath Falls,  
OR 97601

Both the benefici-  
ary and the trustee  
have elected to sell the  
said real property to  
satisfy the obligations  
secured by said trust  
deed and a notice of de-  
fault has been recorded  
pursuant to Oregon Re-  
vised Statutes  
86.735(3); the default  
for which the foreclo-  
sure is made is gran-  
tor's failure to pay  
when due the following  
sums: monthly pay-  
ments of \$478.88 begin-  
ning May 1, 2000; plus  
late charges of \$23.94  
each month beginning  
May 16, 2000; plus prior  
accrued late charges of  
\$167.58; together with  
title expense, costs,  
trustee's fees and at-  
torney's fees incurred  
herein by reason of said  
default; and any fur-  
ther 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 said trust  
deed immediately due  
and payable, said sums  
being the following, to  
wit: \$52,042.09 with in-  
terest thereon at the  
rate of 10.350 percent  
per annum beginning  
April 1, 2000; plus late  
charges of \$23.94 each  
month beginning May

16, 2000, until paid; plus  
prior accrued late  
charges of \$167.58; to-  
gether with title ex-  
pense, costs, trustee's  
fees and attorney's fees  
incurred herein by rea-  
son of said default; and  
any further sums ad-  
vanced by the benefici-  
ary for the protection  
of the above described  
real property and its in-  
terest therein.

WHEREFORE,  
notice hereby is given  
that the undersigned  
trustee will, on Friday,  
December 8, 2000, at  
the hour of 11:00 A.M.,  
in accordance with the  
standard of time estab-  
lished by ORS 187.110,  
at the following place:  
at the office of Brands-  
ness Brandsness &  
Rudd 411 Pine 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  
described real property  
which the grantor had  
or had power to convey  
at the time of the exe-  
cution by grantor of the  
said trust deed, to-  
gether with any interest  
which the grantor or  
grantor's successors in  
interest acquired after  
the execution of said  
trust deed, to satisfy  
the foregoing obliga-  
tions thereby secured  
and the costs and ex-  
penses of sale, includ-  
ing 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 rein-  
stated by payment to  
the beneficiary of the  
entire amount then due  
(other than such por-  
tion of the principal as  
would not then be due  
had no default oc-  
curred) and by curing  
any other default com-  
plained of herein that is  
capable of being cured  
by tendering the per-  
formance required un-  
der the obligation or  
trust deed, and in addi-  
tion to paying said sums  
or tendering the perfor-  
mance necessary to  
cure the default, by  
paying all costs and ex-  
penses actually in-  
curred 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 in-  
cludes the plural, the  
word "grantor" includes  
any successor in inter-  
est to the grantor as  
well as any other per-  
son owing an obligation,  
the performance of  
which is secured by  
said trust deed, and the  
words "trustee" and  
"beneficiary" include  
their respective suc-  
cessors in interest, if  
any.

DATED: August 2, 2000  
Linda Johannsen,  
Trustee  
For further informa-  
tion, please contact:  
Christy Melhorn  
Preston Gates & Ellis  
LLP  
222 SW Columbia St.,  
Suite 1400  
Portland, OR 97201  
(503) 228-3200  
#3521 October 12, 19, 26,  
2000  
November 2, 2000

State of Oregon, County of Klamath  
Recorded 11/15/00, at 3:25 P.m.  
In Vol. M00 Page 41314  
Linda Smith,  
County Clerk Fee\$ 71.00