

After recording return to: <sup>it</sup> William M. Ganong  
Attorney at Law  
514 Walnut Avenue  
Klamath Falls, OR 97601

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

STATE OF OREGON, County of Klamath, ss:

I, Wendy Young, 514 Walnut Avenue, Klamath Falls, Oregon 97601, being first duly sworn, depose, say and certify that:

I am the Assistant to the Successor Trustee for the Trust Deed more particularly described in the Notice of Default and Election to Sell and Trustee's Notice of Sale recorded in Volume M00 at page 24742 of the records of the Clerk of Klamath County, Oregon.

On July 10, 2000, I deposited with the United States Postal Service at Klamath Falls, Oregon, sealed envelopes each containing a Trustee's Notice of Sale executed by William M. Ganong, Successor Trustee, and containing the information shown on the Trustee's Notice of Sale attached hereto. I mailed one such envelope by First Class Mail and one such envelope by Certified Mail with Return Receipt Requested, postage prepaid, to each of the following named parties at the following addresses:

Hutcheson Van Winkle Construction  
7350 Southside Bypass  
Klamath Falls OR 97603

Hutcheson Van Winkle Construction  
8302 McLaughlin Lane  
Klamath Falls OR 97601

Klamath County  
Reginald R. Davis, County Counsel  
305 Main Street  
Klamath Falls OR 97601

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 or agency having a lien or interest subsequent to the Trust Deed, which lien or interest appears of record or which the beneficiary has actual notice; and (d) any person requesting notice as provided in ORS 86.785.

The addresses shown above are the last known addresses of said parties.

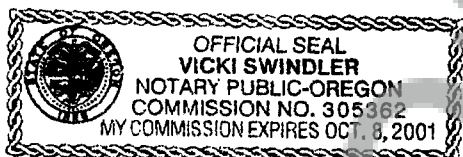
Wendy Young

Wendy Young, Assistant to  
William M. Ganong, Successor  
Trustee

Subscribed and sworn to before me this 13 day of  
November, 2000.

Vicki Swindler

Notary Public for Oregon  
My commission expires: 10-8-2001



## TRUSTEE'S NOTICE OF SALE

YOU ARE GIVEN NOTICE: THAT THE BENEFICIARY AND TRUSTEE HAVE ELECTED TO SELL THE PROPERTY DESCRIBED BELOW TO SATISFY THE FOLLOWING DESCRIBED OBLIGATION:

1.   A.   Grantor:       Hutcheson Van Winkle Construction  
      B.   Trustee:     William M. Ganong  
      C.   Beneficiary: Klamath River Acres of Oregon
2.   The legal description of the property covered by the subject Trust Deed is:

Lot 14, Block 36, Tract 1084, KLAMATH RIVER  
ACRES SIXTH ADDITION, in the County of Klamath  
State of Oregon.

Klamath County Assessor's Account No.  
3907-25AO-3600

The book, page number, and the date the subject Trust Deed was recorded in the Mortgage Records of Klamath County, Oregon are:

Book: M96       Page: 26203       Date Recorded: August 23, 1996

3.   The default for which the foreclosure is made is the Grantor's failure to make the monthly installment payments in the amount of \$200 each that were due and payable since September 22, 1999; Grantor's failure to pay the real property taxes and assessments levied against the property before they became delinquent; and the fact that Grantor allowed a Lien to be recorded against the subject real property for unpaid street improvements.

4.   The amount owing on the obligation secured by the subject Trust Deed as of September 22, 1999 is \$3,479.36, plus interest at the note rate of 10.00% from September 22, 1999 until paid. Real property taxes and assessments for the tax years 1998-1999 and 1999-2000 in the sum of \$267.37, plus interest thereon; and the sum of \$2,124.96 plus interest, penalties and costs of Street Lien No. 23-112 in favor of Klamath County, Oregon are due and payable by the Grantor as provided in said Trust Deed.

5.   The Beneficiary and the Trustee have elected to foreclose the above referenced Trust Deed pursuant to the provisions of Oregon

Revised Statutes 86.705 to 86.795.

6. The Trustee will conduct a sale of the above described property at 10:00 a.m. on the 5th day of December, 2000, at the front entrance to the office of William M. Ganong at 514 Walnut Avenue, Klamath Falls, Oregon.

7. Pursuant to ORS 86.753, the Grantor, the Grantor's successor in interest to all or any part of the above described property, any beneficiary under a subordinate Trust Deed, or any person having a subordinate lien or encumbrance of record on the property, may cure the default or defaults at any time prior to five days before the above said date of sale by paying the entire amount due at the time of cure under the terms of the obligation, other than such portion as would not then be due had no default occurred. In addition, the person affecting the cure shall pay all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the Trustee's and Attorney's fees specified in the said statute.

In construing this instrument, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said Trust Deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

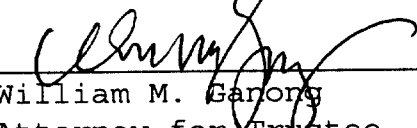
Dated this 5<sup>th</sup> day of July, 2000.

  
William M. Ganong

STATE OF OREGON, County of Klamath) ss.

I, the undersigned, certify that I am the attorney for the above named trustee; that I have carefully compared the foregoing copy of the Trustee's Notice of Sale with the original thereof and that the foregoing is a true, correct and exact copy of the original Trustee's Notice of Sale and of the whole thereof.

Dated at Klamath Falls, Oregon this 13<sup>th</sup> day of November, 2000.

  
William M. Ganong  
Attorney for Trustee

NOTICE REQUIRED BY THE  
FAIR DEBT COLLECTION PRACTICES ACT  
15 U.S.C. SECTION 1692

1. The amount of the debt is as set forth in the attached documentation or correspondence.
2. The name of the creditor to whom the debt is owed is as stated in the attached documentation or correspondence.
3. Unless you, the consumer, within 30 days after receipt of this Notice, dispute the validity of the debt or any portion thereof, the debt will be assumed to be valid by the undersigned. The undersigned, however, reserves the right to file suit, if none has yet been filed, or to take any other appropriate action to collect the debt within this 30-day period.
4. If you, the consumer, notify the undersigned, in writing, within the 30-day period that the debt, or any portion thereof, is disputed, the undersigned will obtain verification of the debt and a copy of such verification will be mailed to you by the undersigned.
5. Upon your written request within the 30-day period, the undersigned will provide you with the name and address of the original creditor, if such original creditor is different from the current creditor.
6. Written requests should be addressed to William M. Ganong, 514 Walnut Avenue, Klamath Falls, Oregon 97601.
7. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.

After recording return to: William M. Ganong  
 Attorney at Law  
 514 Walnut Avenue  
 Klamath Falls, OR 97601

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**AFFIDAVIT AS TO NON-OCCUPANCY**

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STATE OF OREGON, County of Klamath, ss:

I, William M. Ganong, being first duly sworn, depose, say and certify that:

I am the Successor Trustee in that certain Trust Deed executed and delivered by Hutcheson Van Winkle Construction, as Grantor, to Aspen Title & Escrow, Inc. as Trustee, in which Klamath River Acres of Oregon, is beneficiary, recorded August 23, 1996 in the mortgage records of Klamath County, Oregon, in Volume M 96 at page 26203, covering the following-described real property situated in said county:

Lot 14, Block 36, Tract 1084, KLAMATH  
 RIVER ACRES SIXTH ADDITION, in the  
 County of Klamath, State of Oregon.

Klamath County Assessor's Account No.  
 3907-25AO-3600

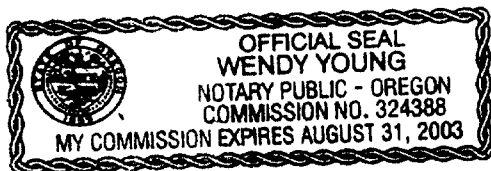
I hereby certify that on July 10, 2000, the above described real property was not occupied.

The word "trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed first mentioned above.

*William M. Ganong*

William M. Ganong, OSB No. 78213  
 Successor Trustee

Subscribed and sworn to before me this 13<sup>th</sup> day of  
 November, 2000.



*Wendy Young*

Notary Public for Oregon

My commission expires: 8-31-2003

State of Oregon, County of Klamath  
 Recorded 11/17/00, at 2:55 p. m.  
 In Vol. M00 Page 41646  
 Linda Smith,  
 County Clerk Fee\$ 46.00