

2001 JUN 25 PM 2: 57

ATC # 51856

Vol M01 Page 3073

**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:

Norman Heyden  
1615 Llanada Street  
Klamath Falls, OR 97601

Lora Heyden  
1615 Llanada Street  
Klamath Falls, OR 97601

Norman Heyden  
915 Crown Avenue  
Central Point, OR 97502

Lora Heyden  
915 Crown Avenue  
Central Point, OR 97502

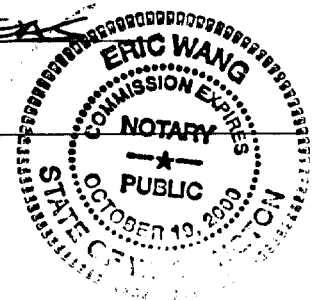
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or 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 sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 10/16/00. 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 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 10/16, 2000, by Eric Wang

Eric Wang  
Notary Public for Washington  
Residing at Maple Valley  
My commission expires: 10/19/00.



**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**  
**RE: Trust Deed from**  
**Heyden, Norman and Lora**  
**Grantor**  
  
**to**  
**DAVID E. FENNELL,**  
**Trustee** **File No. 7297.20260**

After recording return to:

**ROUTH CRABTREE & FENNELL**  
Attn: Eric Wang  
PO Box 4143  
Bellevue, WA 98009-4143

Pt.

3/1A

**TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain trust deed made by Norman D. Heyden and Lora Jean Heyden, husband and wife, as grantor, to Amerititle, as trustee, in favor of Goodrich and Pennington Mortgage Fund, Inc., a California corporation, as beneficiary, dated 05/22/97, recorded 05/30/97, in the mortgage records of Klamath County, Oregon, in Book M-97 Page 16518 and subsequently assigned to Bankers Trust Company of California, N.A., as Custodian or Trustee by Assignment recorded as Book M-98 Page 2090, covering the following described real property situated in said county and state, to wit:

The West 70 feet of Lots 4 and 5, Block 87, Buena Vista Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 1615 Llanada Street  
Klamath Falls, OR 97601

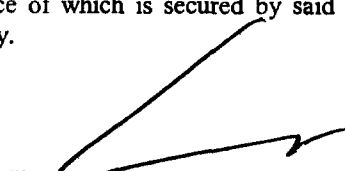
Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,109.74 beginning 07/01/00; plus late charges of \$55.49 each month beginning 07/16/00; plus prior accrued late charges of \$419.74; plus advances of \$0.00; 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: \$93,662.61 with interest thereon at the rate of 13.875 percent per annum beginning 06/01/00; plus late charges of \$55.49 each month beginning 07/16/00 until paid; plus prior accrued late charges of \$419.74; plus advances of \$0.00; 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 **February 16, 2001** 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 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.

DATED October 12, 2000

  
\_\_\_\_\_  
David E. Fennell -- Trustee

For further information, please contact:

**Eric Wang**  
**ROUTH CRABTREE & FENNELL**  
**PO Box 4143**  
**Bellevue, WA 98009-4143**  
**(425) 586-1900**  
**File No. 7297.20260/Heyden, Norman and Lora**

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**

## 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, along with the Notice Under the Federal Fair Debt Collection Practices Act, upon the OCCUPANTS at the following address:

**1615 LLANADA STREET, KLAMATH FALLS, OREGON 97601**, as follows:

Personal service upon Terry Snow, by delivering said true copy, personally and in person, at the above address on October 18, 2000 at 10:41 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 Renee Snow, by delivering said true copy, at his/her usual place of abode as indicated above, to Terry Snow who is a person over the age of 14 years and a member of the household on October 18, 2000 at 10:41 A.m.

Substitute service upon \_\_\_\_\_, by delivering said true copy, at his/her usual place of abode as indicated above, to \_\_\_\_\_ who is a person over the age of 14 years and a member of the household on \_\_\_\_\_, 2000 at \_\_\_\_\_ .m.

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

Ed Foreman

192229

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of October, 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#3613

Trustee's Notice of Sale

Norman D. Heyden

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:

November 23, 30, 2000

December 7, 14, 2000

Total Cost: \$675.00

Subscribed and sworn before me this 14th day of December 2000

*Debra A. Subbie*

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

Norman D. Heyden and

Lora Jean Heyden, hus-

band and wife, as gran-

tor, to AmeriTitle, as

trustee, in favor of

Goodrich and Penning-

ton Mortgage Fund,

an income California corpo-

ration, as beneficiary,

dated 05/22/97, record-

ed 05/30/97, in the

mortgage records of

Klamath County, Ore-

gon, in Book M-97, Page

16518 and subsequently

assigned to Bankers

Trust Company of Cali-

fornia, N.A., as Custo-

dian Trustee by As-

signment recorded as

Book M-98, Page 2090,

covering the following

described real property

situated in said county

and state, to wit:

The West 70 feet

of Lots 4 and 5, Block

87, Buena Vista Addition

to the City of Klamath

Falls, according to the

official plat thereof on file in the

office of the County Clerk

of Klamath County, Or-

egon.

PROPERTY AD-

DRESS: 1615 Llanada

Street, Klamath Falls,

Klamath County, OR

97601.

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 Sta-

tutes 86.735(3); the de-

fault for which the fore-

closure is made is gran-

tor's failure to pay

when due the following

sums: monthly pay-

ments of \$1,109.74 be-

ginning 07/01/00, plus

late charges of \$55.49

each month beginning

07/16/00, plus prior ac-

crued late charges of

\$419.74, plus advances

of \$0.00, 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 the trust

deed immediately due

and payable said sums

being the following, to

wit: \$93,662.60 with in-

terest thereon at the

rate of 13.875 percent

per annum beginning

06/01/00, plus late

charges of \$55.49 each

month beginning 07/16/

00, until paid, plus prior

accrued late charges of

\$419.74, plus advances

of \$0.00, 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.

W H E R E F O R E ,

notice hereby is given

that the undersigned

trustee will on Febru-

ary 15, 2001 at the hour

of 10:00 o'clock, A.M., in

accord with the stan-

dard of time established

by ORS 107.110, at the

following place: inside

the 1st floor lobby of

the Klamath County

Courthouse, 315 Main

Street, in the City of

Klamath Falls, County

of Klamath Falls, State

of Oregon, sell at public

auction to the highest

bidder for cash the in-

terest in the described

real property, which the

grantor or grantor's

successors in interest

acquired after the exe-

cution of the trust deed,

to satisfy the foregoing

obligations thereby se-

cured and the costs and

expenses of sale, in-

cluding the reasonable

charges of 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 of the sale, to have

this foreclosure proceed-

ing dismissed and the trust

deed reinstated by pay-

ment to the beneficiary

of the entire amount

then due (other than

such portion of the

principal as would not

then be due had no de-

fault occurred), and by

curing any other de-

fault complained of

herein that is capable of

being cured by tender-

ing the performance

required under the obli-

gation or trust deed, and

in addition to pay-

ing said sums or tender-

ing the performance

necessary to cure the

default, by paying all

costs and expenses ac-

tually incurred in en-

forcing the obligation

and trust deed, togeth-

er with trustee's and at-

torney's fees not ex-

ceeding 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 as

any other person owing

an obligation, the per-

formance of which is

secured by said trust

deed, and the words

"trustee" and "benefici-

ary" include their re-

spective successors in

interest, if any.

DATED: October 12,

2000

David E. Fennell

Trustee

For further informa-

tion, please contact:

Eric Wang

ROUTH CRABTREE &

FENNELL

PO Box 4143

Bellevue, WA 98009-4143

(425) 586-1900

File No. 7297.20260/Hey-

den, Norman and Lora

State of Washington,

County of Kingss.

I, 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

THIS IS AN ATTEMPT

TO COLLECT A DEBT

AND ANY INFORMA-

TION OBTAINED WILL

BE USED FOR THAT

PURPOSE.

#3613 November 23, 2000

December 7, 14, 2000

State of Oregon, County of Klamath

Recorded 01/25/01, at 2:57 p. m.

In Vol. M01 Page 3073

Linda Smith,

County Clerk Fee \$ 41.00