FORM NO. 1189 - AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR 9720 I **MAY 2**3 AM 11:02 Vel_MO1_Page 23673 AFFIDAVIT OF MAILING TRUSTEE'S **NOTICE OF SALE RE: Trust Deed from** Linda R. DePue P.O. Box 271 Crescent, OR 97733 SPACI Robert A. Smejkal, Attorney RECO P.O. Box 654 Eugene, OR 97440 After recording, return to (Name, Address, Zip): Robert A. Smejkal P.O. Box 654 Eugene, OR 97440 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 the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in the notice of sale. I gave notice of the sale of the real property described in the attached trustee's Notice of Sale by mailing copies 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: **ADDRESS** NAME P.O. Box 271 Linda R. DePue Crescent, OR 97733 These 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 set forth in ORS 86.785.* Each of the notices so mailed was certified to be a true copy of the original notice of sale by ______ Robert A. Smejkal , attorney for the trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at _____Eugene_____, Oregon, on __January__5____, \$\mathbb{p}200.1\text{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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded. As used herein, the singular includes the plural, "trustee" includes a successor trustee, and "person" includes a corporation and any other legal or commercial entity. Robert A. Smejkal, OSB 78382 Subscribed and sworn to before me on January 5 , x2001 Notary Public for Oregon COMMISSION EXPIRES MARCH 4, 2003

My commission expires/

SERVICE KLAMATH COUNTY HERIFF'S OFFICE - RETURN (

State of Oregon County of Klamath)

Court Case No. Sheriff's Case No. 01-00127

Received for Service 01/12/01

I hereby certify that I received for service on DEPUE, LINDA R the within:

TRUSTEE'S NOTICE OF SALE

DEPUE, LINDA R was served personally, and in person, at 100 WARD ST , OR, on 01/20/01, CRESCENT at 12:23 hours.

All search and service was made within Klamath County, State of Oregon.

> Timothy M. Evinger, Sheriff Klamath County, Oregon

Copy to:

ROBERT A SMEJKAL PO BOX 654 **EUGENE**

OR 97440

State of Oregon

County of Klamath

This instrument was acknowledged before me on 2-6-0/ by Warren Frank , as a duly appointed and commissioned Deputy of Timothy M Evinger, Sheriff of Klamath County, Klamath Falls, Oregon.

> OFFICIAL SEAL **ANNETTE McCLELLAN** NOTARY PUBLIC-OREGON COMMISSION NO. A330045 MY COMMISSION EXPIRES FEB. 22, 2004

Notary for the State of Oregon My Commission Expires: 2-22-04

TRUSTEE'S NOTICE OF SALE

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby.

PARTIES TO THE TRUST DEED:

Grantor: Linda R. DePue

Robert A. Smejkal, Attorney at Law Trustee:

James B. Ahn and Kyung H. Ahn, husband and wife Beneficiary:

or the survivor

DESCRIPTION OF THE PROPERTY:

- Lot 2, 3, 4, all of Lot 5, LESS the West 8 feet, Block 42, CRESCENT, according to the official plat thereof on file in the office of the County Clerk Parcel 1: of Klamath County, Oregon.
- Lot 9, 10, 11, 12, and 13, in Block 42, CRESCENT, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Parcel 2: Oregon, TOGETHER with the Westerly 8 feet of the alley adjacent to said lots. ALSO the Easterly 8 feet of the vacated alley in said Block 42 adjacent to Lot 5 of said Block.

EXCEPTING therefrom that portion lying and being Northwesterly of a line 50 feet Southeasterly of and parallel to the present relocated centerline of the Dalles-California Highway.

TRUST DEED INFORMATION:

May 21, 1999 May 27, 1999 Volume M99, Page 21153 Dated: Recording Date:

Recording No.:

Recording Place: Official Records of Klamath County, Oregon.

- The Debtor is in default and Beneficiary elects to foreclose the Trust Deed for failure to pay:
 - Failure to pay monthly payments in the amount of \$1,325.00 each, commencing with the payment due 6/27/00 and continuing each month thereafter; and
 - Failure to pay real property taxes, as follows: 1999-00 in the amount of \$461.37 plus interest, and 2000-01 in the amount of \$524.13 plus interest.
- AMOUNT DUE: By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the following:

Principal balance of \$ 106,000.00 plus interest at the rate of 15 % from May 27 , 2000, until paid; plus late fees, attorney fees, foreclosure costs, and any sums advanced by the Beneficiary pursuant to the terms of the mount paid. to the terms of the Trust Deed.

F. ELECTION TO SELL: NOTICE IS HEREBY GIVEN that the Beneficiary and Trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes §86.705 et seq., and to cause to be sold at public auction to the

highest bidder, for cash or certified funds, the interest in said described property which the Grantor(s) had, or had the power to convey, at the time of the execution of the Trust Deed together with any interest the Grantor or successors in interest acquired after execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of the sale, including the compensation of the Trustee as provided by law, and the reasonable fees of Trustee's attorney.

G. TIME AND PLACE OF SALE:

Time: 10:30 a.m., JUNE 14, 2001

Place: Inside front entrance, Klamath County Courthouse, 317 South 7th Street, Klamath Falls, Oregon

- H. RIGHT TO REINSTATE: NOTICE IS FURTHER GIVEN that at any time prior to five days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Trustee 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 to the Trustee actually incurred by Beneficiary and Trustee in enforcing the obligation of the Trust Deed, together with the Trustee's fees and Attorney's fees.
- I. NOTICE: 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.
- J. MISCELLANEOUS: 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 the Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Robert A. Smejkal, Trustee

STATE OF OREGON)) ss. County of Lane)

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named Trustee, and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.

Attorney for said Trustee

State of Oregon, County of Klamath Recorded 05/23/01, at //.02a.m. In Vol. M01 Page 23673 Linda Smith, County Clerk Fee\$ 26