

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

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

STATE OF OREGON, County of Klamath, ss:

I, William M. Ganong, Attorney at Law, 514 Walnut Avenue, Klamath Falls, Oregon 97601, being first duly sworn, depose, say and certify that:

I am the Trustee or 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 M01 at page 5066 of the records of the Clerk of Klamath County, Oregon.

On February 6, 2001, I deposited with the United States Postal Service at Klamath Falls, Oregon, sealed envelopes each containing a Trustee's Notice of Sale executed by me 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:

Kim R. Franco  
2434 South Sixth Street  
Klamath Falls OR 97601

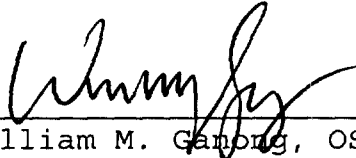
Carter Jones Collection Service, LLC.  
1143 Pine Street  
Klamath Falls OR 97601

Department of Human Resources for Missouri  
c/o Support Enforcement Division  
39 N Central Avenue  
Medford OR 97501

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

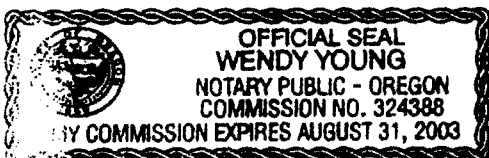
beneficiary has actual notice; (c) any person or agency having a lien or interest subsequent to the Trust Deed, which lien or interest appears of record or which the beneficiary has actual notice; and (d) any person requesting notice as provided in ORS 86.785.

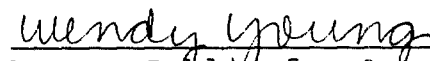
The addresses shown above are the last known addresses of said parties.



William M. Ganong, OSB No. 78213  
Successor Trustee

Subscribed and sworn to before me this 11<sup>th</sup> day of June, 2001.



  
Notary Public for Oregon  
My commission expires: 8-31-2003

TRUSTEE'S NOTICE OF SALE

27784

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: Kim R. Franco  
B. Trustee: William M. Ganong  
C. Beneficiary: Riley C. Mattson

2. The legal description of the property covered by the subject Trust Deed is:

See Exhibit "A" attached hereto and incorporated herein by this reference.

Klamath County Assessor's Account No.  
3909-4AA-5800

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

Book: M99      Page: 15354      Date Recorded: April 26, 1999

3. The default for which the foreclosure is made is the Grantor's failure to make the third lump sum payment of \$5,000 which was due October 26, 2000, plus a late payment penalty of \$250; and Grantor's failure to pay the real property taxes and assessments levied against the real property for tax years 1999-2000 and 2000-2001 before they became delinquent.

4. The amount owing on the obligation secured by the subject Trust Deed as of January 15, 2001 is \$269,798.92, plus interest at the note rate of 9.0% per annum from January 15, 2001 until paid; and real property taxes and assessments for the tax years 1999-2000 and 2000-2001 in the total sum of \$4,028.10, plus interest thereon from January 10, 2001, which 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 26th day of June, 2001, at the front entrance to the office of William M. Ganong at 514 Walnut

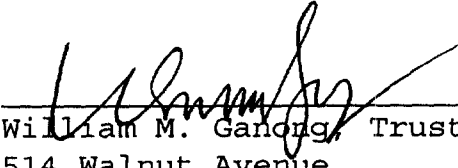
Avenue, Klamath Falls, Oregon.

27785

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 6<sup>th</sup> day of February, 2001.

  
\_\_\_\_\_  
William M. Ganong, Trustee  
514 Walnut Avenue  
Klamath Falls OR 97601  
Tel: (541) 882-7228

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 \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
William M. Ganong  
Attorney for Trustee

## PARCEL 1:

That certain piece or parcel of land in the County of Klamath, State of Oregon, described as follows:

Beginning at a point on the Northerly boundary of Tract 805, ENTERPRISE TRACTS, which point is South 55 degrees 08' East a distance of 225 feet from the most Northerly corner of said Tract 805, and which point of beginning is the Northeasterly corner of a parcel of land deeded by Ralph W. Stearns to S. Marie Stearns, and recorded in Book 105 at Page 93, Deed Records of Klamath County, Oregon; thence South 55 degrees 18' East, along the Northerly boundary of said Tract 805, a distance of 50 feet; thence South 34 degrees 52' West at right angles to said Northerly boundary a distance of 200 feet; thence North 55 degrees 08' West parallel to said Northerly boundary, a distance of 135.6 feet, more or less, to the Westerly boundary of said Tract 805; thence North along said Westerly boundary a distance of 85.32 feet, more or less, to the Southwesterly corner of a parcel of land deeded by R. H. Bunnell to Kate Fales and recorded in Book 106 at Page 286, Deed Records of Klamath County, Oregon; thence South 55 degrees 08' East, parallel to said Northerly boundary a distance of 134.4 feet to the Southeasterly corner of said S. Marie Stearns property; thence North 34 degrees 52' East 130 feet to the point of beginning, being a portion of said Tract 805.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its State Highway Commission by deed recorded June 26, 1946 in Book 191 at Page 240, Deed Records of Klamath County, Oregon.

## PARCEL 2:

Beginning at a point on the Southwesterly boundary line of the right of way of the Dalles-California Highway from which the intersection of the said boundary line with the Section line marking the boundary between Sections 3 and 4, Township 39 South, Range 9 East of the Willamette Meridian bears South 55 degrees 52' East 570.0 feet distant, running thence South 34 degrees 08' West at right angles to the said boundary line 130.0 feet; thence North 55 degrees 52' West, parallel with the said boundary line 100.00 feet; thence North 34 degrees 08' East 130.0 feet, to a point in the said boundary line; thence South 55 degrees 52' East, along the said boundary line 100.0 feet to the point of beginning, and being a portion of Tract 805 of the ENTERPRISE TRACTS.

Continued on next page

EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its State Highway Commission by deed recorded May 22, 1943 in Book 155 at Page 380, Deed Records of Klamath County, Oregon.

CODE 1 MAP 3909-4AA TL 5800

And also all of the Grantor's rights as the Assignee of that certain unrecorded Lease dated February 28, 1996, between National Advertising Company, Lessee, and Riley C. Mattson, Lessor, disclosed in the Assignment of Lease recorded April 26, 1999 in Book M99 at Page 15358 of the Microfilm Records of the Clerk of Klamath County, Oregon.

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.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>2-8</u></p>	
<p>1. Article Addressed to:</p> <p><u>Carter Jones Collection</u>  <u>1143 Pine Street</u>  <u>Klamath Falls OR</u>  <u>97601</u></p>		<p>C. Signature  <u>X Conception Card</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Copy from service label)</p> <p><u>7000 0520 0012 5P22 0880</u></p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

27789

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Received by (Please Print Clearly) <u>Sunny Diver</u> B. Date of Delivery <u>02-22-01</u></p>	
<p>1. Article Addressed to:</p> <p><u>Dept. of Human Resources</u>  <u>for Missouri</u>  <u>% Support Enforcement</u>  <u>Division</u>  <u>39 N Central Avenue</u>  <u>Medford OR 97501</u></p>		<p>C. Signature  <u>X Sunny Diver</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Copy from service label)</p> <p><u>7000 0520 0012 5788 7770</u></p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>2-8-01</u></p>	
<p>1. Article Addressed to:</p> <p><u>Kim R Franco</u>  <u>2434 South Sixth Street</u>  <u>Klamath Falls OR 97601</u></p>		<p>C. Signature  <u>X Charley Thompson</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Copy from service label)</p> <p><u>7000 0520 0012 5P22 0873</u></p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

State of Oregon, County of Klamath  
 Recorded 06/12/01, at 2:24 p.m.  
 In Vol. M01 Page 27782  
 Linda Smith,  
 County Clerk Fees \$6.00