

After Recording Return To:  
Sabrina P. Loiselle  
Miller Nash LLP  
3500 U.S. Bancorp Tower  
111 S.W. Fifth Avenue  
Portland, Oregon 97204-3699

State of Oregon, County of Klamath  
Recorded 07/09/01 at 2:03 p. m.  
In Vol. M01 Page 33287  
Linda Smith,  
County Clerk Fee\$ 46<sup>00</sup>

*K56381*  
**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF OREGON                    )  
                                          ) SS  
COUNTY OF MULTNOMAH        )

I, Sabrina P. Loiselle, being first duly sworn, depose, say and certify that:

At all times hereinafter mentioned, I was and now am a competent person over the age of eighteen years and not the beneficiary or its successor in interest named in the attached original trustee's notice of sale (the "Notice") given under the terms of that certain deed of trust described in the Notice (the "Trust Deed").

I gave notice of the sale of the real property described in the attached Notice by mailing true copies thereof by both first-class and certified mail with return receipt requested to each of the following persons, at their respective last-known addresses, on February 7, 2001:

Arthur C. Avery  
2450 Radcliffe Avenue  
Klamath Falls, OR 97601

Ruth W. Avery  
Post Office Box 755  
Alturas, CA 96101

Ruth W. Avery  
2450 Radcliffe Avenue  
Klamath Falls, OR 97601

Janet R. Ross  
4045 Austin Street  
Klamath Falls, OR 97603

Janet R. Ross  
2450 Radcliffe Avenue  
Klamath Falls, OR 97601

Ford Motor Credit Company  
c/o Donald A. Winkler,  
President  
The American Road  
Dearborn, MI 48121

Ford Motor Credit Company  
c/o CT Corporation System,  
Registered Agent  
601 S.W. Second Avenue, Suite 2050  
Portland, Oregon 97204

Ford Motor Credit Company  
1335 S. Clearview Avenue  
Mesa, AZ 85208

Ford Motor Credit Company  
Post Office Box 6044  
Dearborn, MI 48121

Chelsea L. Lewandowski  
1100 S.W. Sixth Avenue, Suite  
1507  
Portland, OR 97204-1016

Klamath County Tax Assessor's  
Office  
Local Government Center  
305 Main Street  
Klamath Falls, OR 97601

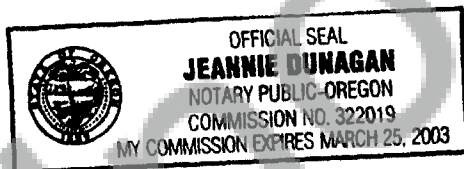
Each notice so mailed was a certified true copy of the original notice. Each true copy of said notice was contained in a sealed envelope with postage thereon fully prepaid. Each true copy of said notice was mailed after the notice of default and election to sell described in said notice was recorded and at least 120 days before the date the trustee conducts the sale.

As used herein, the singular includes the plural and the word "person" includes a corporation and any other legal entity.

Dated this 6<sup>th</sup> day of July, 2001.

Sabrina P. Loiselle  
Sabrina P. Loiselle

SUBSCRIBED AND SWORN to before me this 6<sup>th</sup> day of July,  
2001.



Jeannie Dunagan  
Notary Public for Oregon  
My commission expires: 03/25/03

After recording, return to:

Sabrina P. Loiselle  
Miller Nash LLP  
111 S.W. Fifth Avenue, Suite 3500  
Portland, Oregon 97204-3699

### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain deed of trust (the "Trust Deed") dated **November 21, 1997**, by **Arthur C. Avery and Ruth W. Avery** (the "Grantor") to **William L. Sisemore** (the "Trustee"), to secure payment and performance of certain obligations of Grantor, including repayment of the promissory note dated **November 21, 1997**, in the principal amount of **\$60,000.00** (the "Note"), to **Klamath First Federal Savings and Loan Association** (the "Beneficiary"), and recorded on **November 21, 1997**, in **Volume M97 at Page 38377** in the official real property records of Klamath County, Oregon.

The description of the of real property covered by the Trust Deed is as follows:

Lot 8 in Block 309 Darrow Addition in the City of Klamath Falls,  
according to the official plat thereof on file in the office of the  
County Clerk of Klamath County, Oregon.

Title to said property is currently vested in Arthur C. Avery, Ruth W. Avery, and Janet R. Ross, as an estate in fee simple with full rights of survivorship.

No action has been instituted to recover the obligation, or any part thereof, now remaining secured by the Trust Deed or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

The default for which the foreclosure is made is the Grantor's failure to make monthly payments beginning September 2000, and each month thereafter, as required under the Note and Trust Deed in the total amount of \$2,108.00 as of December 27, 2000, and late charges in the amount of \$64.47 as of December 27, 2000.

By reason of said default, Klamath First Federal Savings and Loan Association, as beneficiary under the Trust Deed, has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable which sums are as follows: (a) the principal amount of \$58,499.96, (b) accrued interest of \$1,851.17 as of December 27, 2000, and interest accruing thereafter on the principal amount at the rate of 7.750 percent per annum, (c) late charges of \$64.47 as of December 27, 2000, and any late charges accruing thereafter, (d) amounts that the Beneficiary has paid on or may hereinafter pay to protect the lien, including by way of illustration, but not limitation, taxes, assessments, interest on prior liens, and insurance premiums, and (e) costs and attorney and trustee fees incurred by the Beneficiary in foreclosure, including the cost of a trustee's sale guarantee and any other environmental or appraisal report.

By reason of said default, Klamath First Federal Savings and Loan Association, as beneficiary under the Trust Deed, and the Successor Trustee have elected to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to ORS 86.795 and to sell the real property identified above to satisfy the obligation that is secured by the Trust Deed.

NOTICE IS HEREBY GIVEN that the undersigned Successor Trustee or Successor Trustee's agent will, on **June 12, 2001, at one o'clock (1:00) p.m., based on the standard of time established by ORS 187.110, just outside the main entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon 97601**, sell for cash at public auction to the highest bidder the interest in said real property, which Grantor has or had power to convey at the time of the execution by Grantor of the Trust Deed, together with any interest that Grantor or the successors in interest to Grantor acquired after the execution of the Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale.

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 Klamath First Federal Savings and Loan Association, as beneficiary under the Trust Deed, 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 and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes the plural, and the word "grantor" includes any successor in interest of 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.

**In accordance with the Fair Debt Collection Practices Act, this is an attempt to collect a debt, and any information obtained will be used for that purpose. This communication is from a debt collector.**

For further information, please contact Sabrina P. Loiselle at Miller Nash LLP,  
111 S.W. Fifth Avenue, Suite 3500, Portland, Oregon 97204 or telephone her at (503) 224-5858.

DATED this 31<sup>st</sup> day of January, 2001.

Sabrina Loiselle  
Sabrina P. Loiselle  
Successor Trustee

STATE OF OREGON                     )  
                                                  ) SS  
COUNTY OF MULTNOMAH        )

I, the undersigned, certify that the foregoing instrument is a complete and exact  
copy of the original Trustee's Notice of Sale.

SUBSCRIBED and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

PROOF OF SERVICE  
JEFFERSON STATE ADJUSTERS

33292

STATE OF OREGON  
COUNTY OF Klamath

COURT CASE NO. \_\_\_\_\_

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows:

- |                                                 |                                    |                                              |                                   |                                   |
|-------------------------------------------------|------------------------------------|----------------------------------------------|-----------------------------------|-----------------------------------|
| <input type="checkbox"/> Summons & Complaint    | <input type="checkbox"/> Summons   | <input type="checkbox"/> Small Claim         | <input type="checkbox"/> Motion   | <input type="checkbox"/> Answer   |
| <input type="checkbox"/> Restraining Order      | <input type="checkbox"/> Judgment  | <input type="checkbox"/> Affidavit           | <input type="checkbox"/> Petition | <input type="checkbox"/> Letter   |
| <input type="checkbox"/> Summons & Petition     | <input type="checkbox"/> Order     | <input type="checkbox"/> Decree              | <input type="checkbox"/> Notice   | <input type="checkbox"/> Citation |
| <input type="checkbox"/> Notice of Small Claims | <input type="checkbox"/> Complaint | <input type="checkbox"/> Order to Show Cause | <input type="checkbox"/>          | <input type="checkbox"/> Subpoena |
- ☒ Trustee's Notice of Sale

For the within named: Occupants of 2450 Radcliffe

☒ PERSONALLY SERVED: Original or True Copy to within named, personally and in person to: Danet Ross at the address below.

☐ SUBSTITUTE SERVICE: By delivering an Original or True Copy to \_\_\_\_\_, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: \_\_\_\_\_

☐ OFFICE SERVICE: At the office which he/she maintains for the conduct of business as shown at the address below, by leaving such true copy or Original with \_\_\_\_\_, the person who is apparently in charge.

☐ SERVICE ON CORPORATIONS, LIMITED PARTNERSHIPS OR UNINCORPORATED ASSOCIATIONS SUBJECT TO SUIT UNDER A COMMON NAME.

Upon \_\_\_\_\_, by (a) delivering such true copy personally and in person, Corporation, Limited Partnership, etc.

to: \_\_\_\_\_ who is a/the \_\_\_\_\_ thereof, or  
(b) leaving such true copy with \_\_\_\_\_, the person who is apparently in charge of the office of \_\_\_\_\_, who is a/the \_\_\_\_\_ thereof.

☐ OTHER METHOD: \_\_\_\_\_ By leaving an Original or True Copy with \_\_\_\_\_

☐ NOT FOUND: I certify that I received the within document for service on \_\_\_\_\_ and after due and diligent search and inquiry, I hereby return that I have been unable to find, the within named respondent, \_\_\_\_\_ within \_\_\_\_\_ County.

2450 Radcliffe Avenue  
ADDRESS OF SERVICE STREET  
Klamath Falls CITY  
Oregon STATE  
UNIT / APT. / SPC# 97601 ZIP

I further certify that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or corporation named in the action.

Feb. 6, 2001 DATE OF SERVICE  
10:35 a.m. ☒ p.m. ☐ TIME OF SERVICE  
Dave Shuck SIGNATURE

or not found  
PRINTED IN OREGON

TEK 212

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