

01 JUL 20 PM 2:41

| AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE | | Vol <u>M01</u> Page <u>35884</u> |
|--|---------|---|
| RE: Trust Deed from Megan C. Fears | Grantor | County of _____) |
| To | | I certify that the within instrument was received for recording on _____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of this County. |
| Glenn H. Prohaska | Trustee | Witness my hand and seal of County affixed. |
| After recording, return to (Name, Address, Zip): | | Name _____ Title _____ |
| Steven M. Berne Harris Berne Christensen LLP 12725 S.W. 66th Ave., Suite 104 Portland, OR 97223 | | By _____, Deputy. |
| K56657 | | |

STATE OF OREGON, County of Washington) ss.

I, Steven M. Berne, being first duly sworn, depose, and say that:

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 trust 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:

NAME

ADDRESS

Megan C. Fears

2144 Patterson St., Klamath Falls, OR 97603

and

2290 39th St., Apt. C, Los Alamos, NM 87544

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.*

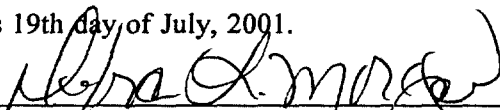
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Steven M. Berne, attorney for the trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Portland, Oregon, on March 14, 2001. 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 plural, "trustee" includes a successor trustee, and "person" includes a corporation and any other legal or commercial entity.


Steven M. Berne, Trustee

SUBSCRIBED AND SWORN to before me this 19th day of July, 2001.




Notary Public of Oregon
My commission expires: 10-31-02

*More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.

K51

TRUSTEE'S NOTICE OF SALE**35885**

Reference is made to that certain trust deed made by Megan C. Fears, as grantor, to Glenn H. Prohaska, as trustee, in favor of Green Tree Financial Servicing Corporation nka Conseco Finance Servicing Corp., as beneficiary, dated September 15, 1999, recorded on September 16, 1999, in the Records of Klamath County, Oregon, in ~~book/reel~~ volume No. M99 at page 37007, ~~and/or as fee/file/instrument/microfilm/reception No. _____~~ (indicate which), covering the following described real property situated in that county and state, to-wit:

See Exhibit A attached hereto and more commonly known as 2144 Patterson St., Klamath Falls, Oregon 97603; and, a 1999 Fuqua Desert Point 493 26x56 manufactured home, vehicle identification number 17107

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 in grantor's failure to pay when due the following sums:

| <u>DUE DATE</u> | <u>PRINCIPAL & INTEREST</u> | <u>INSURANCE</u> | <u>ESCROW AMOUNT</u> |
|------------------------------|---------------------------------|------------------|----------------------|
| 8/20/00 | \$867.51 | | |
| 9/20/00 | \$867.51 | | |
| 10/20/00 | \$867.51 | | |
| 11/20/00 | \$867.51 | | |
| 12/20/00 | \$867.51 | | |
| 1/20/01 | \$867.51 | | |
| Plus late charges of \$10.00 | | | |

By reason of the default just described, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

As of November 1, 2000, \$120,295.52, plus thereafter interest, costs and charges.

WHEREFORE, notice is hereby given that the undersigned trustee will on July 23, 2001, at the hour of 12:30 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at Klamath County Courthouse front steps, 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 real and personal property described above 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 the sale, including a reasonable charge by the trustee. Notice is further give 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 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 those 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.

35886

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 successor in interest, if any.

DATED this 13 day of March, 2001



Steven M. Berne, Trustee

State of Oregon, County of Washington) ss.

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.

Steven M. Berne

SERVE:

If the foregoing is a copy to be served pursuant to ORS 86.740 or 86.750(1), fill in the name and address of party to be served.

35887

EXHIBIT "A"

All that portion of the SW 1/4 of the NW 1/4 of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point 660 feet North and 1260 feet East of an iron pin driven into the ground at the Southwest corner of the NW 1/4 of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, on the property of Otis V. Saylor which iron pin is 30 feet East of the center of the road intersecting the Klamath Falls-Lakeview Highway from the North and 30 feet North of the center of said Highway; thence West 270 feet; thence North 132 feet; thence East 270 feet; thence South 132 feet to the point of beginning.

EXCEPTING THEREFROM the Easterly 10.00 feet, parallel and adjacent to the Westerly right of way of Patterson Street.

CODE 43 MAP 3909-1BC TL 700 mf

ARRITOLA INVESTIGATIONS

RETURN OF SERVICE

35888

STATE OF OREGON)
) ss.
County of Klamath)

Court Case No. _____

Case No. _____

I hereby certify that I received on 3-15-01 the within:

- () Summons & Complaint () Summons & Petition () Summons () Notice
() Order of Appearance () Waiver of Fees () Petition () Motion
() Show Cause Order () Affidavit () Complaint () Order
() Writ of Garnishment () Restraining Order () Citation () Subpoena
() Small Claim

(✓) Trustee's Notice of Sale

for service on the within named: Megan Fears

() SERVED _____ personally and in person.

() SUBSTITUTE SERVICE - By leaving a true copy with _____

a person over the age of fourteen years, who resides at the place of abode of the within named, at said abode: _____

() OFFICE SERVICE - By leaving a true copy with _____

the person in charge of the office maintained for the conduct of business by _____

() By leaving a true copy with _____ of said corporation.

(✓) OTHER METHOD Posted on door at 2144 Jefferson St. (Vacant)

() NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find the within named: _____

_____ within Klamath County.

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

DATE AND TIME OF SERVICE, OR NOT FOUND: 03/17/01 4:00 pm

SERVICE FEES FOR THIS SERVICE ARE: \$ 25.00 plus 60 miles at \$.30/mile for a total amount due of \$ 43.00

ARRITOLA INVESTIGATIONS

By Cale Arritola

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#3917

Trustee's Notice of Sale

Megan C. Fears

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:

April 2, 9, 16, 23, 2001

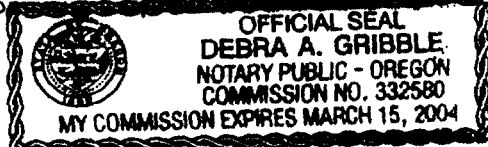
Total Cost: \$810.00

Subscribed and sworn before me this 23th
day of April 20 01

Debra A. Gribble

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 Megan C. Fears, as grantor, to Glenn H. Prohaska, as trustee, in favor of Green Tree Financial Servicing, Corporation nka Con-seco Finance Servicing Corp., as beneficiary, dated September 15, 1999, recorded on September 16, 1999, in the Records of Klamath County, Oregon, in volume No. M99 at page 37007, (indicate which), covering the following described real property situated in that county and state, to-wit:

All that portion of the Sw 1/4 of the NW 1/4 of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point 660 feet North and 1260 feet East of an iron pin driven into the ground at the Southwest corner of the NW 1/4 of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, on the property of Otis V. Saylor which iron pin is 30 feet East of the center of the road intersecting the Klamath Falls-Lakeview Highway from the North and 30

feet North of the center of said Highway; thence West 270 feet; thence North 132 feet; thence East 270 feet; thence South 132 feet to the point of beginning. EXCEPTING THEREFROM the Easterly 10.00 feet, parallel and adjacent to the Westerly right of way of Patterson Street. CODE 43 MAP 3909-1BC TL 700 mg More commonly known as 2144 Patterson St., Klamath Falls, Oregon 97603; and, a 1999 Fuqua Desert Point 493 26x56 manufactured home, vehicle identification number 17107

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 in grantor's failure to pay when due the following sums:

DUE DATE

8/20/00
9/20/00
10/20/00
11/20/00
12/20/00
1/20/02

PRINCIPAL & INTEREST

\$867.51
\$867.51
\$867.51
\$867.51
\$867.51
\$867.51

INSURANCE

ESCROW AMOUNT

Plus late charges of \$10.00 By reason of the default just described, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

As of November 1, 2000, \$120,295.52, plus thereafter interest, costs and charges.

WHEREFORE

notice is hereby given that the undersigned trustee will on July 23, 2001, at the hour of 12:30 o'clock, P.M., in accordance with the standard of time established by ORS 187.110, at Klamath County Courthouse front steps, 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 real and personal property described above 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 the 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 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 those 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; 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 successor in interest, if any.

DATED this 13th day of March 2001
Steven M. Berne
Trustee
State of Oregon,
County of Washington)ss.

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.

Steven M. Berne
#3917 April 2, 9, 16,
23, 2001

35890

State of Oregon, County of Klamath
Recorded 07/20/01 at 2:41 p.m.
In Vol. M01 Page 35884
Linda Smith,
County Clerk Fee \$ 5.00