

Affidavit of Publication

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Vol. M01 Page 40839

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#3935

Trustee's Notice of Sale

Danny R. Closser Jr.

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for:

Four

Insertion(s) in the following issues:

April 11, 18, 25, 2001

May 2, 2001

Total Cost: \$1,215.00

Larry L. Wells
Subscribed and sworn before me this 2nd
day of: May 2001

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 **DANNY R. CLOSSER, SR., and DEBORAH F. CLOSSER**, Grantor, **KLAMATH COUNTY TITLE COMPANY** as the trustee, and **NORMAN DAVID NEWLAND and KATHY ANN NEWLAND** as the beneficiaries under that certain trust deed dated September 25, 1996, and recorded September 27, 1996, in Volume No. M96, page 30768, Microfilm Records of Klamath County, Oregon, covering the following described real property:

PARCEL ONE:

A parcel of land situated in the W1/2NW1/4 of Section 36, Township 39 South, Range 12 E.W. M., Klamath County, Oregon, being more particularly described as follows: Beginning at the Southwest corner of the NW1/4 of said Section 36; thence S. 89°53'07" E. along the South line of said NW1/4 1328.28 feet to the Southeast corner of the W1/2NW1/4 of said Section 36; thence N. 00°00'33" E. along the East line of said W1/2NW1/4 608.31 feet to a point where a fence line intersects from the Northwest; thence

Northwesterly along said fence line the following bearings and distances: N. 84°33'04" W. 151.14 feet; N. 32°10'32" W. 466.48 feet; S. 86°44'52" W. 101.88 feet; N. 60°24'37" W. 187.47 feet; N. 51°33'56" W. 58.38 feet; N. 88°40'36" W. 291.86 feet; S. 89°38'32" W. 326.26 feet to a point on the West line of said Section 36; thence S. 00°03'00" W. along said section line 1142.62 feet to the Point of Beginning.

ALSO, A parcel of land situated in the NW1/4 of Section 36, T. 39 S., R. 12 E.W.M., Klamath County, Oregon, being more particularly described as follows: Beginning at a point on the East line of the W1/2NW1/4 of said Section 36 at a point where said East line intersects the Southerly right of way line of the U.S.B.R. North Canal; thence S. 00°00'33" W. 328.44 feet along said East line to a point where a fence intersects from the Northwest; thence leaving said East line and running Northwesterly along said fence the following bearings and distances: N. 84°33'04" W. 151.14 feet; N. 32°10'32" W. 466.48 feet; S. 86°44'52" W. 101.88 feet; N. 60°24'37" W. 187.47 feet; N. 51°33'56" W. 58.38 feet; N. 88°40'36" W. 291.86 feet; thence leaving said fence N. 00°29'37" E.

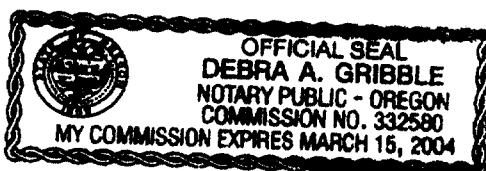
134.22 feet to a 1/2 inch iron pin; thence S. 68°11'17" E. 50.23 feet to a 1/2 inch iron pin; thence N. 53°19'03" E. 218.51 feet to a 1/2 inch iron pin on the Southerly right of way line of the U.S.B.R. North Canal, said point being hereinafter referred to as "Point A"; thence Southeasterly along said canal right of way line to the point of beginning.

PARCEL TWO:

That portion of W1/2NW1/4 of Section 36, Township 39

South, Range 12 East of the Willamette Meridian, Klamath County Oregon, described as follows:

Beginning at a point on the West line of Section 36, said point being S. 0°03' W. 1494.44 feet from the Northwest corner of Section 36; thence continuing S. 0°03' E. approximately 20 feet; thence East 326.26 feet; thence North 134.22 feet; thence Southeasterly 50.23 feet and Northwesterly 218.54 feet to a point on the Southwesterly right of way of USBR North Canal referred to as Point: A in instrument recorded July 12, 1976, in Volume M76 page 10481, Deed records of Klamath County, Oregon; thence N. 42°35'53" W. 179.01 feet; thence N. 79°39'35" W. 190.08 feet more or less; thence S. 23°51'30" E. 151.6 feet:



thence S. 0°06'40" W. 257.02 feet; thence N. 89°53'20" W. 301.94 feet to the point of beginning. EXCEPTING FROM ABOVE MENTIONED PARCELS, that parcel conveyed to United States of America by Deed recorded July 8, 1924 in Deed volume 64 on page 299, Deed Records of Klamath County, Oregon.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default of which the foreclosure is made is grantor's failure to pay when due the following sums:

Payments in the amount of \$1,500 due and payable on November 6, 2000, and each and every month thereafter, plus interest in the amount of 9 percent per annum from October 6, 2000, plus real property taxes

for the fiscal year 2000-2001, in the amount of \$62.06 plus interest; Code 56; Account No. 610235; real property taxes for the fiscal year 1999-2000, in the amount of \$52.42, plus interest; and real property taxes for the fiscal year 2000-2001, in the amount of \$1,259.71 plus interest. Account 3912-36B-500; Key No. 610253. Also real property taxes paid by beneficiary in the amount of \$57.77; Oregon Taxes in the amount of \$1,173.42; plus fire insurance policy paid by beneficiary in the amount of \$870.00

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

\$195,622 plus interest at the rate of \$46.24 per day from March 30, 2001, plus real property taxes for the fiscal year 2000-2001, in the amount of \$62.06

plus interest; Code 56; Account No. 610235; real property taxes for the fiscal year 1999-2000, in the amount of \$52.42, plus interest; and real property taxes for the fiscal year 2000-2001, in the amount of \$1,259.71 plus interest. Account 3912-36B-500; Key No. 610253. Also real property taxes paid by beneficiary in the amount of \$57.77; Oregon Taxes in the amount of \$1,173.42; plus fire insurance policy paid by beneficiary in the amount of \$870.00.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 15, 2001, at the hour of 10:00 o'clock, A.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 said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after 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 to 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 of 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. We are attempting to collect a debt and any information we obtain will be used for that purpose.

In construing this notice, the masculine

line 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 person owing an obligation, the performance which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

RICHARD
FAIRCLO
Successor Trustee
#3935 April 11, 18, 25,
2001 May 2, 2001

AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON]
] ss.
 County of Klamath]

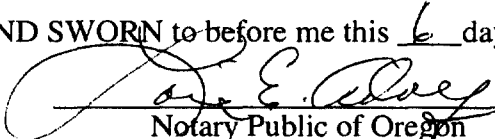
I, DANNY ALLEN, being first duly sworn, depose, say and certify that:

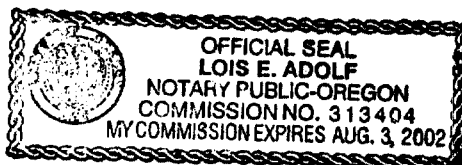
I am a realtor working for Frontier Realty concerning the real estate contained in that certain trust deed executed and delivered by DANNY R. CLOSSER, SR., and DEBORAH F. CLOSSER, as grantor to KLAMATH COUNTY TITLE as trustee, in which NORMAN DAVID NEWLAND and KATHY ANN NEWLAND are beneficiaries, recorded on September 27, 1996, in the mortgage records of Klamath County, Oregon, in Volume No. M96, at page 30768, covering the real property described in said trust deed situated in said county.

I hereby certify that on April 1, 2001, the above described real property was not occupied.


 Danny Allen, Frontier Real Estate

SUBSCRIBED AND SWORN to before me this 6 day of April, 2001.


 Notary Public of Oregon
 My Commission expires:



State of Oregon, County of Klamath
 Recorded 08/14/01 at 10:46 a.m.
 In Vol. M01 Page 40839
Linda Smith,
 County Clerk Fee \$ 31⁰⁰

Affidavit
 As To Non-Occupancy

Richard Fairclo
 Richard Fairclo
 Attorney at Law
 280 Main Street
 Klamath Falls OR 97601