

ON

OCT 10 PM 4:04

## TRUSTEE'S NOTICE OF SALE

Vol M01 Page

51793



Reference is made to that certain trust deed made by CATHY KING WHO IS ALSO KNOWN AS CATHY COGAR KING AS AN INDIVIDUAL AND WESTERN HOMES, INC., AN OREGON CORPORATION, as grantor, to AMERITITLE (NEAL G. BUCHANAN, ATTORNEY AT LAW, AS SUCCESSOR), as trustee, in favor of BOB'S CUSTOM MOBILE HOME SERVICE, INC. PENSION FUND, as beneficiary, dated JANUARY 30, 1998, recorded FEBRUARY 4, 1998, in the mortgage records of KLAMATH County, Oregon, in Book 1111/volume No. M98 at page 3601, or as fee/title/instrument/microfilm/reception No. 52664 (indicate which), covering the following described real property situated in said county and state, to-wit:

SEE EXHIBIT A LEGAL DESCRIPTION ATTACHED HERETO AND INCORPORATED BY THIS REFERENCE HEREIN AS IF FULLY SET FORTH.

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 for which the foreclosure is made is grantor's failure to pay when due the following sums: A. Entire balance of the note, both principal and interest, which became due and payable in full on or before March 1, 1999 in the sum of \$41,221.17 together with interest on said sum at the rate of 11% per annum from April 20, 2001 until paid; and B. Failure to pay real property taxes with reference to the said parcels for the tax year 1998-99 and thereafter in violation of paragraph 5 of the Trust Deed; and C. Allowing the encumbrances to attach to the premises including various judgments and tax liens, which such judgments and tax liens are set forth on Exhibit B attached hereto and by this reference incorporated herein as if fully set forth.

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: \$41,221.17 together with interest on said sum at the rate of 11% per annum from April 20, 2001 until paid.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 17, 2001, at the hour of 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at law offices of Neal G. Buchanan, 435 Oak Avenue

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 grantor of the said trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and 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 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's and attorney's fees not exceeding the amounts provided by said 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 said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED June 11, 2001, xx

NEAL G. BUCHANAN

Successor

Trustee

State of Oregon, County of Klamath 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.

Attorney for said Trustee

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

SERVE:

51794

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL 1:**

Lots 20 and 21 in Block 107 of BUENA VISTA ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 2:**

Lot 4 in Block 115 of BUENA VISTA ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 3:**

Lots 1 and 2 in Block 18 of KLAMATH LAKE ADDITION, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 4:**

Lot 10, Block 12, FIRST ADDITION TO KLAMATH FALLS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. TOGETHER WITH 1/2 vacated Fifth Street adjoining Lot 10.

**PARCEL 5:**

Lot 6 TOGETHER with that vacated portion of 5th Street which inured thereto Block 13 FIRST ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 6:**

Lot 1, Block 70, KLAMATH FALLS FOREST ESTATES, HIGHWAY 66 UNIT, PLAT NO. 3, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

No number 1 to 3

4. Mobile Home Taxes for the fiscal year 2000-2001, delinquent.  
Account No: M-250178                      Key No: 885939  
Amount: \$468.47                              Code No: 001  
(Affects the mobile home on Parcel 4)

51795

5. Nuisance Lien in favor of the City of Klamath Falls;  
Docketed: February 29, 1999  
Original Amount: \$110.00, plus interest  
(Affects Parcel 3)

6. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Lake Grazing Fire Patrol.  
(Affects Parcel 5)

7. Covenants, reservations, restrictions and easements, if any as contained in the plat dedication of the hereinabove stated addition.  
(Affects Parcel 2)

8. Reservations as contained in plat dedication, to wit: "Subject to a 16 foot easement centered on the back and side lines of all lots for future public utilities, a 40 foot building setback on all lots adjacent to Highway 66 and to all easements and reservations of record."  
(Affects Parcel 5)

9. Conditions and restrictions, but omitting restrictions, if any, based on race, color, religion, or national origin, imposed by instrument, subject to the terms and provisions thereof, recorded June 24, 1965 in Volume 362, page 400, Deed Records of Klamath County, Oregon.  
(Affects Parcel 5)

10. Subject to reservations in Deed from Ada Parsons Sparretorn to Henry P. Cox, et al, recorded June 11, 1936 in Deed Volume 106, Page 459, Deed Records of Klamath County, Oregon.  
(Affects Parcel 5)

11. Trust Deed, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;  
Dated...: January 30, 1998  
Recorded: February 4, 1998  
Volume...: M98, page 3601, Microfilm Records of Klamath County, Oregon  
Amount...: \$40,000.00  
Grantor.: Cathy King who is also known as Cathy Cogar King as an individual and Western Homes, Inc., an Oregon Corporation  
Trustee.: AmeriTitle  
Beneficiary: Bob's Custom Mobile Home Service, Inc. Pension Fund  
(NOTE: Lots 1 and 2 of Block 18, Klamath Lake Addition were released from the lien of said Trust Deed by Partial Reconveyances recorded May 8, 1998 in Volume M98, Page 15640 (Lot 2) and Volume M99, page 15641 (Lot 1), Microfilm Records of Klamath County, Oregon.

12. Real Estate Contract, subject to the terms and provisions thereof,  
Dated: March 25, 1999  
Recorded: May 18, 1999  
Volume: M99, page 19643, Microfilm Records of Klamath County, Oregon  
Vendor: Cathy Cogar King  
Vendee: Darlene M. Showalter and Matthew J. Showalter  
(Affects Parcel 3)

13. A State Tax Warrant for the amount herein stated, plus interest and statutory charges;  
Warrant No: R 285515-5 250 99 06 1  
Recorded: January 14, 2000  
Volume: M00, page 1335, Microfilm Records of Klamath County, Oregon  
Amount: \$7,158.71 plus interest  
Debtor: Western Homes, Inc.  
Creditor: State of Oregon

EXHIBIT B  
pg 16 of 5

14. A State Tax Warrant for the amount herein stated, plus interest and statutory charges;  
Warrant No: R 285515-5 250 99 03 1  
Recorded: January 14, 2000  
Volume: M00, page 1336, Microfilm Records of Klamath County, Oregon  
Amount: \$4,205.70 plus interest  
Debtor: Western Homes, Inc.  
Creditor: State of Oregon

51796

15. A State Tax Warrant for the amount herein stated, plus interest and statutory charges;  
Warrant No: R 285515-5 250 98 12 1  
Recorded: January 14, 2000  
Volume: M00, page 1337, Microfilm Records of Klamath County, Oregon  
Amount: \$246.56 plus interest  
Debtor: Western Homes, Inc.  
Creditor: State of Oregon

16. A Judgment for the amount herein stated and any other amounts due;  
Case No.: 00-263CV  
Entered: February 1, 2000  
Amount: \$135.00  
Debtor: Western Homes  
Creditor: Duerkson & Assoc.

17. A Judgment for the amount herein stated and any other amounts due;  
Case No.: 99-4653CV  
Entered: February 15, 2000  
Amount: \$645.00  
Debtor: Western Homes, Inc. and Cathy King  
Creditor: Shasta Glen LLC

18. A Judgment for the amount herein stated and any other amounts due;  
Case No.: 00-68CV  
Entered: February 25, 2000  
Amount: \$2,755.02; \$81.00 Costs; \$25.00 Fees; \$60.00 Prevailing Party Fees; plus interest  
Debtor: Kathy King and Western Homes  
Creditor: Pave & Seal, Inc.

19. A Judgment for the amount herein stated and any other amounts due;  
Case No.: 00-158CV  
Entered: March 1, 2000  
Amount: \$5,000.00; \$81.00 Costs; \$25.00 Fees; \$60.00 Prevailing Party Fees; plus interest  
Debtor: Cathy King and Western Homes  
Creditor: Mark Glover and Roberta Glover

20. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges;  
Warrant No: 993075  
Recorded: April 18, 2000  
Volume: M00, page 12556, Microfilm Records of Klamath County, Oregon  
Amount: \$151.69 plus interest  
Debtor: Western Homes, Inc.  
Creditor: Klamath County  
Account No: M29622

21. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges;  
Warrant No: 993300  
Recorded: April 19, 2000  
Volume: M00, page 12812, Microfilm Records of Klamath County, Oregon  
Amount: \$84.10 plus interest  
Debtor: Western Homes, Inc.  
Creditor: Klamath County  
Account No: M41877

EXHIBIT B  
pg 2 of 5

22. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges;

Warrant No: 993326

Recorded: April 19, 2000

Volume: M00, page 12833, Microfilm Records of Klamath County, Oregon

Amount: \$133.09 plus interest

Debtor: Western Homes, Inc.

Creditor: Klamath County

Account No: M43777

51797

23. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges;

Warrant No: 993450

Recorded: April 20, 2000

Volume: M00, page 13181, Microfilm Records of Klamath County, Oregon

Amount: \$164.37 plus interest

Debtor: Western Homes, Inc.

Creditor: Klamath County

Account No: M50214

24. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges;

Warrant No: 993456

Recorded: April 20, 2000

Volume: M00, page 13185, Microfilm Records of Klamath County, Oregon

Amount: \$144.30 plus interest

Debtor: Western Homes, Inc.

Creditor: Klamath County

Account No: M50606

25. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges;

Warrant No: 993589

Recorded: April 21, 2000

Volume: M00, page 13427, Microfilm Records of Klamath County, Oregon

Amount: \$116.69 plus interest

Debtor: Western Homes, Inc.

Creditor: Klamath County

Account No: M59037

26. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges;

Warrant No: 993614

Recorded: April 21, 2000

Volume: M00, page 13443, Microfilm Records of Klamath County, Oregon

Amount: \$258.85 plus interest

Debtor: Western Homes, Inc.

Creditor: Klamath County

Account No: M60472

27. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges;

Warrant No: 993884

Recorded: April 25, 2000

Volume: M00, page 14060, Microfilm Records of Klamath County, Oregon

Amount: \$111.76 plus interest

Debtor: Western Homes, Inc.

Creditor: Klamath County

Account No: M871863

28. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges;

Warrant No: 993974

Recorded: April 25, 2000

Volume: M00, page 14126, Microfilm Records of Klamath County, Oregon

Amount: \$303.01 plus interest

Debtor: Western Homes, Inc.

Creditor: Klamath County

Account No: M874312

EXHIBIT B

pg 3 of 5

29. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges;

Warrant No: 994215

51798

Recorded: April 28, 2000

Volume: M00, page 14932, Microfilm Records of Klamath County, Oregon

Amount: \$207.84 plus interest

Debtor: Western Homes, Inc.

Creditor: Klamath County

Account No: M883199

30. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges;

Warrant No: 994288

Recorded: April 28, 2000

Volume: M00, page 14985, Microfilm Records of Klamath County, Oregon

Amount: \$288.67 plus interest

Debtor: Western Homes, Inc.

Creditor: Klamath County

Account No: M884498

31. A Judgment for the amount herein stated and any other amounts due;

Case No.: 00-405CV

Entered: April 26, 2000

Amount: \$467.50 Attorney Fees; \$192.00 Costs; \$36,769.43 plus interest

Debtor: Cathy King

Creditor: Susan R. Wagner

Said Judgement was assigned to Carter Jones Collections, LLC, Klamath Falls, Oregon, by Assignment of Judgement entered February 15, 2001 in said case.

32. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges;

Warrant No: 994866

Recorded: May 2, 2000

Volume: M00, page 15561, Microfilm Records of Klamath County, Oregon

Amount: \$66.72 plus interest

Debtor: Western Homes, Inc.

Creditor: Klamath County

Account No: M34876

33. A Judgment for the amount herein stated and any other amounts due;

Case No.: 00-715L2

Entered: June 12, 2000

Amount: \$15,000.00; \$1,701.70 Attorney Fees; \$676.00 Costs; plus interest

Debtor: Stephen H. King, Catherine S. King aka Cathy King

Creditor: Old Republic Surety Company

Transcribed from Jackson County to Klamath County by Abstract thereof recorded July 3, 2000 in Volume M00, page 24421, Microfilm Records of Klamath County, Oregon.

34. A Judgment for the amount herein stated and any other amounts due;

Case No.: 00-2248CV

Entered: June 23, 2000

Amount: \$135.00

Debtor: Western Homes

Creditor: Campus Green Mobile Home Park

35. A Judgment for the amount herein stated and any other amounts due;

Case No.: 00-2249CV

Entered: June 23, 2000

Amount: \$135.00

Debtor: Western Homes

Creditor: Campus Green Mobile Home Park

EXHIBIT B  
pg. 4 of 5

36. A Judgment for the amount herein stated and any other amounts due;  
Case No.: 00-3559CV  
Entered: December 21, 2000  
Debtor: Western Homes, Inc. and Cathy King  
Creditor: Bombardier Capital, Inc.

51799

Amount: To wit:

7. Principal Amount of Judgment: \$38,756.91

8. Pre-judgment simple interest from April 24, 2000 at the rate of 9.000% per annum.

- a. Accrued through December 18, 2000 amount: \$2,274.43
- b. Per diem thereafter until date judgment is entered: \$9.556498

9. Post judgment simple interest at the rate of 9.000% percent per annum on the judgment for principal and pre-judgment interest, which consists of items 7 and 8 from the date judgment is entered until fully paid.

10. Attorney fees: \$2,500.00

11. Costs: \$497.00

12. Post judgment simple interest at the rate of nine (9%) percent per annum on the costs and attorney fees which consists of items 10 and 11 from the date judgment is entered until fully paid.

37. Proceedings pending in the Circuit Court for the Klamath County:

Suit No: 01-754CV

Entered: February 22, 2001

Plaintiff: Darlene M. Showalter and Matthew J. Showalter

Defendant: Cathy Cogar King and Western Homes, Inc. an Oregon Corporation; Bob's Custom Mobile Home Service, Inc., Pension Fund; Shasta Glenn, LLC; Duerkson and Assoc., Inc.; Mark and Roberta Glover; Pave and Seal; State of Oregon by and through Department of Revenue; Klamath County; Old Republic Surety Company; Patricia Payton; Conseco Finance Services; David and Sandra McCulloch

Being a suit for: Reformation of Contract; Imposition of Constructive Trust

38. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges;

Warrant No: 200000150

Recorded: April 12, 2001

Volume: M01, page 15296, Microfilm Records of Klamath County, Oregon

Amount: \$139.85 plus interest

Debtor: Western Homes Inc. DA 3695 and Cathleen Susan King

Creditor: Klamath County

EXHIBIT B  
pg 5 of 5

NT

51800



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

RE: Trust Deed from

Cathy King who is also known as Cathy Cogar  
King as an individual and Western Homes, Inc.  
an Oregon corporation

To

Grantor

AmeriTitle

Neal G. Buchanan, Attorney at Law,  
as successor

Trustee

After recording, return to (Name, Address, Zip):

Neal G. Buchanan, Attorney at Law  
435 Oak Avenue  
Klamath Falls, Oregon 97601

SPACE RESERVED  
FOR  
RECORDER'S USE

STATE OF OREGON,

County of \_\_\_\_\_

} ss.

I certify that the within instrument  
was received for record on the \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_, at  
\_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in  
book/reel/volume No. \_\_\_\_\_ on page  
\_\_\_\_\_ and/or as fee/file/instru-  
ment/microfilm/reception No. \_\_\_\_\_,  
Records of said County.

Witness my hand and seal of County  
affixed.

NAME

TITLE

By \_\_\_\_\_, Deputy

STATE OF OREGON, County of \_\_\_\_\_ Klamath \_\_\_\_\_) ss:

I, NEAL G. BUCHANAN

, 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 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

SEE THE ATTACHED EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREIN AS IF FULLY SET FORTH.

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 benefi-  
ciary 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 \_\_\_\_\_

NEAL G. BUCHANAN

, 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 KLAMATH FALLS, Oregon, on JUNE 11, 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 the plural, "trustee" includes a successor trustee, and "person" includes a corporation  
and any other legal or commercial entity.



Neal G. Buchanan  
NEAL G. BUCHANAN

Subscribed and sworn to before me on June 11, 2001

Marsha Cobine  
Notary Public for Oregon

My commission expires 11-7-03

\* 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.  
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.



## EXHIBIT A TO AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

NAME AND LAST KNOWN ADDRESSNATURE OF RIGHT, LIEN OR INTEREST

Cathy King who is also known  
as Cathy Cogar King as an individual  
P.O. Box 1468  
1030 W. Cottonwood St.  
Overton, Nevada 89040

Grantor and Fee Interest Holder

Western Homes, Inc.  
c/o Cathy King, Registered Agent  
P.O. Box 1468  
1030 W. Cottonwood St.  
Overton, Nevada 89040

Grantor and Fee Interest Holder

Carter-Jones Collections, LLC  
P.O. Box 145  
Klamath Falls, Oregon 97601

Judgment in Klamath County Circuit  
Court Case No. 0000405CV  
entered 4-26-00 for \$36,769.43  
plus costs and fees

State of Oregon  
Department of Revenue  
955 Center St. N.E.  
Salem, Oregon 97310

State Tax Warrant No. R285515-5  
for \$7,158.71 recorded 1-14-00  
at Vol. M00, page 1335  
State Tax Warrant No. R285515-5  
for \$4,205.70 recorded 1-14-00  
at Vol. M00, page 1336  
State Tax Warrant No. R285515-5  
for \$246.56 recorded 1-14-00  
at Vol. M00, page 1337

Duerkson and Associates  
Jerry Duerksen, Registered Agent  
2779 N. 9th St.  
Corvallis, Oregon 97330

Judgment in Klamath County  
Case No. 0000263CV entered  
February 1, 2000 for \$135.00

Shasta Glen, L.L.C.  
Tom Oller, Registered Agent  
1576 NW City Heights  
Bend, Oregon 97701-5453

Judgment in Klamath County  
Case No. 9904653CV  
entered February 15, 2000  
for \$645.00

Pave & Seal, Inc.  
Barry Rigo, Registered Agent  
5506 Altamont Dr.  
Klamath Falls, Oregon 97603

Judgment in Klamath County  
Case No. 0000068CV entered  
February 25, 2000 for \$2,755.02,  
plus

Mark and Roberta Glover  
P.O. Box 278  
Chiloquin, Oregon 97624

Judgment in Klamath County  
Case No. 0000158CV entered  
March 6, 2000 for \$5,166.00

Klamath County  
c/o Reginald Davis, County Counsel  
305 Main Street  
Klamath Falls, Oregon 97601

Klamath County Personal Property  
Tax Warrants;

Old Republic Surety Co.  
P.O. Box 1635  
Milwaukie, WI 53201

Judgment in Jackson County  
Circuit Court Case No. 000715-L-2  
recorded in Klamath County Clerk's  
records at Vol. Moo, page 24421

Jan D. Sokel  
Stewart Sokel & Gray  
1500 Benjamin Franklin Plaza  
1 S.W. Columbia St.  
Portland, Oregon 97258

Attorneys for judgment creditor  
Old Republic Surety Co.

Campus Green Mobile Home Park  
3611 Hwy 97 N.  
Klamath Falls, Oregon 97601

Judgment in Klamath County  
Circuit Court Case No. 00-2248CV  
Judgment in Klamath County  
Circuit Court Case No. 00-2249CV

Bombardier Capital, Inc.  
P.O. Box 5309  
Burlington, Vermont 05402-5309

Judgment in Klamath County Case No.  
0003559CV entered December 21, 2000  
\$38,756.91 plus

Derrick E. McGavic  
P.O. Box 10163  
Eugene, Oregon 97440

Attorney for Bombardier Capital, Inc

Darlene M. and Matthew J. Showalter  
503 Roosevelt Street  
Klamath Falls, Oregon 97601

Plaintiff in Klamath County  
Circuit Court Case No. 01-754CV

Bradford J. Aspell  
Aspell, Della-Rose & Richard  
122 S. 5th Street  
Klamath Falls, Oregon 97601

Attorney for Showalter

Patricia Peyton  
323 Hill Top Drive  
Newberg, Oregon 97132

Possible Claimant Re: vacated  
portions of street

David and Sandra McCulloch  
10456 Simpson Canyon Road  
Klamath Falls, Oregon 97601

Plaintiffs in Klamath County  
Circuit Court Case No. 0000553CV

OC



## TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

51803

STATE OF OREGON,

County of Klamath } ss.I, NEAL G. BUCHANAN

being first duly sworn, depose, say and certify that:

I am the SUCCESSOR trustee in that certain trust deed executed and delivered by CATHY KING WHO IS ALSO KNOWN AS CATHY COGAR KING AS AN INDIVIDUAL AND WESTERN HOMES, INC., AN OREGON CORPORATION as grantor to AMERITITLE (NEAL G. BUCHANAN, ATTORNEY AT LAW, AS SUCCESSOR) as trustee, in which BOB'S CUSTOM MOBILE HOME SERVICE, INC. PENSION FUND is beneficiary, recorded on FEBRUARY 4, 1998 ~~xxx~~, in the mortgage records of KLAMATH County, Oregon, in book/~~reel~~/volume No. M98, at page 3601 or as fee/file/instrument/microfilm/reception No. 52664 (indicate which), covering the following described real property situated in said county:

SEE EXHIBIT A LEGAL DESCRIPTION ATTACHED HERETO AND INCORPORATED BY THIS REFERENCE HEREIN AS IF FULLY SET FORTH.

I hereby certify that on June 11, 2001 ~~xx~~, the above described real property was not occupied.

The word "trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed first mentioned above.

Neal G. Buchanan  
NEAL G. BUCHANAN

Successor Trustee

Subscribed, sworn to and acknowledged before me this 11 day of JUNE, 2001 ~~xxx~~

(SEAL)



Marsha Cobine

Notary Public for Oregon

My Commission expires: 11-7-03

TRUSTEE'S AFFIDAVIT  
AS TO NON-OCCUPANCY

RE: Trust Deed from  
CATHY KING WHO IS ALSO KNOWN AS CATHY COGAR  
KING AS AN INDIVIDUAL AND WESTERN HOMES, INC.  
AN OREGON CORPORATION Grantor

to  
AMERITITLE  
(NEAL G. BUCHANAN, as successor)

Trustee

AFTER RECORDING RETURN TO  
NEAL G. BUCHANAN  
435 Oak Avenue  
Klamath Falls, Oregon 97601

(DON'T USE THIS  
SPACE: RESERVED  
FOR RECORDING  
LABEL IN COUNTIES  
WHERE USED.)

STATE OF OREGON, } ss.  
County of \_\_\_\_\_

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_ Deputy

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL 1:**

Lots 20 and 21 in Block 107 of BUENA VISTA ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 2:**

Lot 4 in Block 115 of BUENA VISTA ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 3:**

Lots 1 and 2 in Block 18 of KLAMATH LAKE ADDITION, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 4:**

Lot 10, Block 12, FIRST ADDITION TO KLAMATH FALLS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. TOGETHER WITH 1/2 vacated Fifth Street adjoining Lot 10.

**PARCEL 5:**

Lot 6 TOGETHER with that vacated portion of 5th Street which inured thereto Block 13 FIRST ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 6:**

Lot 1, Block 70, KLAMATH FALLS FOREST ESTATES, HIGHWAY 66 UNIT, PLAT NO. 3, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

# Affidavit of Publication

51805

## 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 # 4290

Foreclosure/C. King & Western Homes

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: ( 4 )  
Four

Insertion(s) in the following issues:  
August 14, 21, 28, Sept. 4, 2001

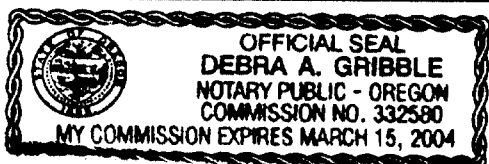
Total Cost: \$2,803.00

Subscribed and sworn

before me on: September 4, 2001

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 CATHY KING who is also known as CATHY COGER KING as an individual and WESTERN HOMES, INC., an Oregon corporation, as grantor, to AMERITITLE (NEAL G. BUCHANAN, Attorney at Law, as successor), as trustee, in favor of BOB'S CUSTOM MOBILE HOME SERVICE, INC. PENSION FUND, as beneficiary, dated January 30, 1998, recorded February 4, 1998, in the mortgage records of Klamath County, Oregon in volume No. M98 at page 3601, or No. 52664 (indicate which), covering the following described real property situated in said county and state, to-wit: See EXHIBIT "A" legal description attached hereto and incorporated by this reference herein as is fully set forth.

### LEGAL DESCRIPTION

**PARCEL 1:** Lots 20 & 21 in Block 107 or BUENA VISTA ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 2:** Lot 4 in Block 115 of BUENA VISTA ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 3:** Lots 1 & 2 in Block 18 of KLAMATH LAKE ADDITION, accord-

ing to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 4:** Lot 10, Block 12, FIRST ADDITION TO KLAMATH FALLS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. TOGETHER WITH 1/2 vacated Fifth Street adjoining Lot 10.

**PARCEL 5:** Lot 6 TOGETHER with that vacated portion of 5th Street which inured thereto Block 13 FIRST ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 6:** Lot 1, Block 70, KLAMATH FALLS FOREST ESTATES, HWY 66 UNIT, PLAT NO. 3, according to the official plat thereof on file in the office of the County Clerk 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(5); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: A. Entire balance of the note, both principal and interest, which became due and payable in full on or before March 1, 1999 in the sum of \$41,221.17 together with interest on said sum at the rate of

11% per annum from April 20, 2001 until paid; and B. Failure to pay real property taxes with reference to the said parcels for the tax year 1998-99 and thereafter in violation of paragraph 5 of the Trust Deed; and C. Allowing the encumbrances to attach to the premises including various judgments and tax liens, which such judgments and tax liens are set forth on Exhibit B: Attached hereto and by this reference incorporated herein as if fully set forth. (No number 1 to 3) 4. Mobile Home Taxes for the fiscal year 2000-2001, delinquent. Account No: M-250178, Key No: 885939, Amount: \$468.47, Code No. 001, (Affects the mobile home on Parcel 4). 5. Nuisance Lien in favor of the City of Klamath Falls; Docketed: February 29, 1999, Original Amount: \$110.00 plus interest (Affects Parcel 3). 6. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Lake Grazing Fire Patrol. (Affects Parcel 5). 7. Covenants, reservations, restrictions and easements, if any as contained in the plat dedication of the hereinabove stated addition. (Affects Parcel 2). 8. Reservations as contained in plat dedication, to-wit: "Subject to a 16 foot easement centered on the back and side lines of all lots for future public utilities, a 40 foot building setback on all lots adjacent to Hwy

66 and to all easements and reservations of record." (Affects Parcel 5).

9. Conditions and restrictions, but omitting restrictions, if any, based on race, color, religion, or national origin, imposed by instrument, subject to the terms and provisions thereof, recorded June 24, 1965 in Volume 362, page 400, Deed Records of Klamath County, Oregon. (Affects Parcel 5).

10. Subject to reservations in Deed from Ada Parsons Sparreborn to Henry P. Cox, et al, recorded June 11, 1936 in Deed Volume 106, Page 459, Deed Records of Klamath County, Oregon. (Affects Parcel 5).

11. Trust Deed, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein; Dated: January 30, 1998, Recorded: February 4, 1998, Volume: M98, page 3601, Microfilm Records of Klamath County, Oregon, Amount: \$40,000.00, Grantor: Cathy King who is also known as Cathy Cogar King as an individual and Western Homes, Inc., an Oregon Corporation, Trustee: Amerititle, Beneficiary: Bob's Custom Mobile Home Service, Inc. Pension Fund. (NOTE: Lots 1 & 2 of Block 18, Klamath Lake Addition were released from the lien of said Trust Deed by Partial Reconveyances recorded May 8, 1998 in Volume M98, Page 15640 (Lot 2) and Volume M99, page 15641 (Lot 1), Microfilm Records of Klamath County, Oregon.

12. Real Estate Contract, subject to the terms and provisions thereof, Dated: March 25, 1999, Recorded: May 18,

1999, Volume: M99, page 19643, Microfilm Records of Klamath County, Oregon, Vendor: Cathy Cogar King, Vendee: Darlene M. Showalter and Matthew J. Showalter, (Affects Parcel 3).

13. A State Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No: R 285515-5 250 99 06 1, Recorded: January 14, 2000, Volume: MOO, page 1335, Microfilm Records of Klamath County, Oregon, Amount: \$7,158.71 plus interest, Debtor: Western Homes, Inc., Creditor: State of Oregon.

14. A State Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No: R 285515-5 250 99 03 1, Recorded: January 14, 2000, Volume: MOO, page 1336, Microfilm Records of Klamath County, Oregon, Amount: \$4,205.70 plus interest, Debtor: Western Homes, Inc., Creditor: State of Oregon.

15. A State Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No. R 285515-5 250 98 12 1, Recorded: January 14, 2000, Volume: MOO, page 1337, Microfilm Records of Klamath County, Oregon, Amount: \$246.56 plus interest, Debtor: Western Homes, Inc., Creditor: State of Oregon.

16. A Judgement for the amount herein stated and any other amounts due; Case No. 00-263CV, Entered: February 1, 2000, Amount: \$135.00, Debtor: Western Homes, Creditor: Duerkson & Assoc.

17. A Judgment for the amount herein stated and any other amounts due; Case No. 99-4653CV, Entered: February 15, 2000, Amount: \$645.00, Debtor: Western Homes,

Inc. and Cathy King, Creditor: Shasta Glen, LLC.

18. A Judgment for the amount herein stated and any other amounts due; Case No. 00-68CV, Entered: February 25, 2000, Amount: \$2,755.02; \$81.00 Costs; \$25.00 Fees; \$60.00 Prevailing Party Fees; plus interest, Debtor: Kathy King and Western Homes, Creditor: Pave & Seal, Inc.

19. A Judgment for the amount herein stated and any other amounts due; Case No. 00-158CV, Entered: March 1, 2000, Amount: \$5,000.00; \$81.00 Costs; \$25.00 Fees; \$60.00 Prevailing Party Fees; plus interest, Debtor: Cathy King and Western Homes, Creditor: Mark Glover and Roberta Glover.

20. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No. 993075, Recorded: April 18, 2000, Volume: MOO, page 12556, Microfilm Records of Klamath County, Oregon, Amount: \$151.69 plus interest, Debtor: Western Homes, Inc., Creditor: Klamath County, Account No. M29622.

21. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No. 993300, Recorded: April 19, 2000, Volume: MOO, page 12812, Microfilm Records of Klamath County, Oregon, Amount: \$84.10 plus interest, Debtor: Western Homes, Inc., Creditor: Klamath County, Account No. M41877.

22. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No. 993326, Recorded: April 19, 2000, Volume: MOO, page

12833, Microfilm Records of Klamath County, Oregon, Amount: \$133.09 plus interest, Debtor: Western Homes, Inc., Creditor: Klamath County, Account No. M43777.

23. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No. 993450, Recorded: April 20, 2000, Volume: MOO, page 13181, Microfilm Records of Klamath County, Oregon, Amount: \$164.37 plus interest, Debtor: Western Homes, Inc., Creditor: Klamath County, Account No. M50214.

24. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No. 993456, Recorded: April 20, 2000, Volume: MOO, page 13185, Microfilm Records of Klamath County, Oregon, Amount: \$144.30 plus interest, Debtor: Western Homes, Inc., Creditor: Klamath County, Account No. M50606.

25. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No. 993589, Recorded: April 21, 2000, Volume: MOO, page 13427, Microfilm Records of Klamath County, Oregon, Amount: \$116.69 plus interest, Debtor: Western Homes, Inc., Creditor: Klamath County, Account No. M59037.

26. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No. 993614, Recorded: April 21, 2000, Volume: MOO, page 13443, Microfilm Records of Klamath County, Oregon, Amount: \$258.85 plus interest, Debtor: Western Homes, Inc., Creditor: Klamath County, Account No. M60472.

27. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No. 993884, Recorded: April 25, 2000, Volume: MOO, page 14060, Microfilm Records of Klamath County, Oregon, Amount: \$111.76 plus interest, Debtor: Western Homes, Inc., Creditor: Klamath County, Account No. M871863.

28. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No. 993974, Recorded: April 25, 2000, Volume: MOO, page 14126, Microfilm Records of Klamath County, Oregon, Amount: \$303.01 plus interest, Debtor: Western Homes, Inc., Creditor: Klamath County, Account No. M874312.

29. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No. 994215, Recorded: April 28, 2000, Volume: MOO, page 14932, Microfilm Records of Klamath County, Oregon, Amount: \$207.84 plus interest, Debtor: Western Homes, Inc., Creditor: Klamath County, Account No. M883199.

30. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No. 994288, Recorded: April 28, 2000, Volume: MOO, page 14985, Microfilm Records of Klamath County, Oregon, Amount: \$288.67 plus interest, Debtor: Western Homes, Inc., Creditor: Klamath County, Account No. M884498.

31. A judgement for the amount herein stated and any other amounts due; Case No. 00-405CV, Entered: April 26, 2000, Amount: \$467.50 Attorney Fees; \$192.00 Costs; \$36,769.43

32. A Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges; Warrant No. 994866, Recorded: May 2, 2000, Volume: MOO, page 15561, Microfilm Records of Klamath County, Oregon, Amount: \$66.72 plus interest, Debtor: Western Homes, Inc., Creditor: Klamath County, Account No. M34876.

33. A Judgment for the amount herein stated and any other amounts due; Case No. 00-715L2, Entered: June 12, 2000, Amount: \$15,000.00; \$1,701.70 Attorney Fees; \$676.00 Costs; plus interest, Debtor: Stephen H. King, Catherine S. King aka Cathy King, Creditor: Old Republic Surety Company. Transcribed from Jackson County to Klamath County by Abstract thereof recorded July 3, 2000 in Volume MOO, page 24421, Microfilm Records of Klamath County, Oregon.

34. A Judgment for the amount herein stated and any other amounts due; Case No. 00-2248CV, Entered: June 23, 2000, Amount: \$135.00, Debtor: Western Homes, Creditor: Campus Green Mobile Home Park.

35. A Judgment for the amount herein stated and any other amounts due; Case No. 00-2249CV, Entered: June 23, 2000, Amount: \$135.00, Debtor: Western Homes, Creditor: Campus Green Mobile Home Park.

36. A Judgment for the amount herein stated and any other amounts due; Case

**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 # 4290

Foreclosure/C. King & Western Homes  
Second Page of News Publishing

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: ( 4 )  
Four

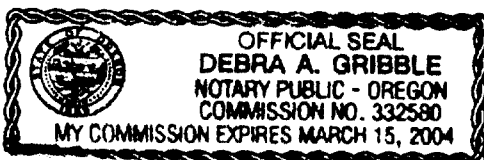
Insertion(s) in the following issues:  
August 14, 21, 28, Sept. 4, 2001

Total Cost: \$2,803.00

Subscribed and sworn  
before me on: September 4, 2001

Notary Public of Oregon

My commission expires March 15, 2004



No. 00-3559CV, Entered: December 21, 2000, Debtor: Western Homes, Inc. and Cathy King, Creditor: Bombardier Capital, Inc. Amount: To wit:

7. Principal Amount of Judgment: \$38,756.91.

8. Pre-judgment simple interest from April 24, 2000 at the rate of 9.000% per annum. a. Accrued through December 18, 2000 amount: \$2,274.43. b. Per diem thereafter until date judgment is entered: \$9,556,498.

9. Post judgment simple interest at the rate of 9.000% percent per annum on the judgment for principal and pre-judgment interest, which consists of items 7 and 8 from the date judgment is entered until fully paid.

10. Attorney fees: \$2,500.00.

11. Costs: \$497.00.

12. Post judgment simple interest at the rate of nine (9%) percent per annum on the costs and attorney fees which consists of items 10 and 11 from the date judgment is entered until fully paid.

37. Proceedings pending in the Circuit Court for the Klamath County: Suit No. 01-754CV, Entered: February 22, 2001, Plaintiff: Darlene M. Showalter and Matthew J. Showalter, Defendant: Cathy Cogar King and Western Homes, Inc. an Oregon corporation; Bob's Custom Mobile Home Service, Inc., Pension Fund; Shasta Glenn, LLC; Duerkson and Associates, Inc.; Mark and Roberta Glover; Pave and Seal; State of Oregon by and through Department of Revenue;

Klamath County; Old Republic Surety Company; Patricia Payton; Conseco Finance Services; David and Sandra McCulloch. Being a suit for: Reformation of Contract; Imposition of Constructive Trust.

38. A Personal Property Tax Warrant for the amount hereinafter stated, plus interest and statutory charges; Warrant No. 200000150, Recorded: April 12, 2001, Volume: MO1, page 15296, Microfilm Records of Klamath County, Oregon, Amount: \$139.85 plus interest, Debtor: Western Homes Inc. DA 3695 and Cathleen Susan King, Creditor: Klamath County.

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: \$41,221.17 together with interest on said sum at the rate of 11% per annum from April 20, 2001 until paid.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 17, 2001, at the hour of 1:00 o'clock, PM, in accord with the standard of time established by ORS 187.110, at law offices of Neal G. Buchanan, 435 Oak Avenue 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 grantor

of the said trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and 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 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's and attorney's fees not exceeding the amounts provided by said 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 said trust deed, and the words "trustee" and "beneficiary" in-

51808

clude their respective successors in interest, if any.  
Dated June 11, 2001.  
Neal G. Buchanan,  
Successor, Trustee.  
We are attempting  
to collect a debt.  
Any information obtained will be used  
for that purpose.  
#4290 August 14, 21,  
28, Sept. 4, 2001.

State of Oregon, County of Klamath  
Recorded 10/10/01 at 4:04 p m.  
In Vol. M01 Page 51793  
Linda Smith,  
County Clerk Fee\$ 96<sup>00</sup>