

01 OCT 19 AM 11:17

**RECORDING COVER SHEET  
FOR NOTICE OF SALE PROOF**

Vol M01 Page 53158

**OF COMPLIANCE, PER ORS 205.234** mtc S3604

*THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON  
PRESENTING THE ATTACHED INSTRUMENT FOR  
RECORDING. ANY ERRORS IN THIS COVER SHEET  
DO NOT AFFECT THE TRANSACTION(S) CONTAINED  
IN THE INSTRUMENT ITSELF.*

**AFTER RECORDING RETURN TO**

*name and address of the person authorized to receive the  
instrument after recording, as required by ORS 205.180(4)  
and ORS 205.238.*

*This Space For County Recording Use Only  
as of 8-1-98*

Brown Hughes, Bird, Rote + Wetmore  
P.O. Box 10  
Grants Pass OR 97528

**MARK NAME(S) OF ALL THE TRANSACTION(S)** described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.



**AFFIDAVIT OF MAILING NOTICE OF SALE** (must have trustee's notice of sale attached)



**AFFIDAVIT OF PUBLICATION NOTICE OF SALE**



**PROOF OF SERVICE**

*Original Grantor on Trust Deed*

*Beneficiary*

NT

53159



# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Karen Van Donk  
Richard Van Donk

To

Grantor

Josephine-Crater Title  
Companies, Inc.

Trustee

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

SPACE RESERVED  
FOR  
RECORDER'S USE

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

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/instrument/microfilm/reception No. \_\_\_\_\_, Records of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

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

STATE OF OREGON, County of Josephine ) ss:  
I, MICHAEL J. BIRD

\_\_\_\_\_, 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

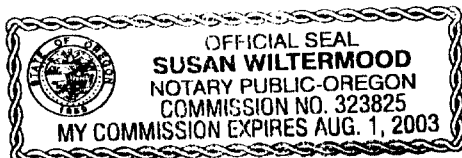
ADDRESS

1. Midstate Electric Cooperative, Inc. -- PO BOX 127, La Pine, OR 97739
2. Richard Van Donk -- PO Box 191, Chemult, Oregon 97731
3. Rena Van Donk -- PO Box 191, Chemult, OR 97731
4. State of Oregon - Dept of Transportation -- 355 Capitol St. NE Rm 420  
Salem, OR 97310-3871
5. Roger Sutton HC 30 Box 80, Chemult OR 97731

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 Michael J. Bird, 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 Grants Pass, Oregon, on April 18, 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.



Subscribed and sworn to before me on April 18, 2001

Susan Wiltermood  
Notary Public for Oregon

My commission expires 8/1/2003

NT

# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Karen Van Donk  
Ricahrd Van Donk

To

Grantor

Trustee

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

SPACE RESERVED  
FOR  
RECORDER'S USE

53160



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

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/instrument/microfilm/reception No. \_\_\_\_\_, Records of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

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

STATE OF OREGON, County of Josephine ) ss:  
I, Michael J. Bird

\_\_\_\_\_ 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

1. Klamath County Tax Collector -- 305 Main Street, Klamath Falls OR 97601
2. Providian National Bank -- PO BOX 9053, Pleasanton, CA 94566
3. Daniel Miller -- PO BOX 139, Chemult OR 97731
4. Karen Van Donk -- 109320 Hwy 97 N, Klamath Falls, Oregon or Hwy 97, 2nd Street, Chemult, OR 97731
5. Wallace Electric Company -- 4382 Vernon LP NE, Salem OR 97205

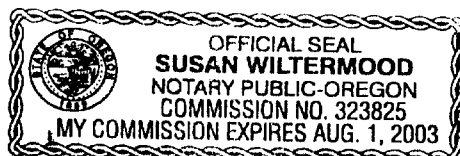
These persons include (a) the grantor in the trust deed; (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice; (c) any person, including the Department of Revenue or any other state agency, having a lien or 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 \_\_\_\_\_

Michael J. Bird

\_\_\_\_\_, 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 Grants Pass, Oregon, on April 20, 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.



Subscribed and sworn to before me on April 20, 2001

Susan Wiltermood  
Notary Public for Oregon

My commission expires 8/3/03

EE

**INSTRUCTIONS FOR SERVICE OF TRUSTEE'S  
NOTICE OF SALE UPON OCCUPANT PURSUANT  
TO ORS 86.750 (1) AND PROOF OF SERVICE  
(120-Day Notice)**

RE: Trust Deed from

Richard Van Donk

Karen Van Donk

To

Grantor

Josephine Crater Title  
Companies, Inc.

Trustee

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

STATE OF OREGON,

County of \_\_\_\_\_ } ss.

53161



I certify that the within instrument was  
received for record 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 said County.

Witness my hand and seal of County affixed.

NAME

TITLE

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

SPACE RESERVED  
FOR  
RECORDER'S USE

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:

STATE OF OREGON,

County of Josephine } ss.

I, the undersigned, being first duly sworn, depose and say:

I am the Trustee or attorney for the Trustee in the trust deed described in the attached Trustee's Notice of Sale.

You are hereby directed to serve the Trustee's Notice of Sale in the manner in which a summons is served pursuant to ORCP  
7 D(2) and 7 D(3) upon the occupant of the property described in the Notice of Sale.

The name of the person to be served, if known, and the property address of the property described in the trust deed are as follows:

Name of person to be served  
(If unknown, so state)

Property Address

Occupants

109320 Hwy 97 N, Klamath Falls, Oregon  
or Hwy 97, 2nd Street, Chemult, OR 97731

Karen Van Donk

109320 Hwy 97, Klamath Falls, OR  
or Hwy 97, 2nd Street, Chemult OR 97731

Roger Sutton

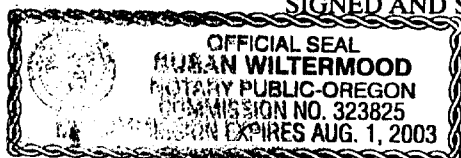
109320 Hwy 97, N. Klamath Falls, OR  
or Hwy 97, 2nd Street, Chemult, OR 97731

If the occupant is indicated as "unknown," or if you find the property at this address to be occupied by someone other than the person named, then you are to serve the person or persons whom you find to be occupying the property.

Service should be made by June 26, 2001, which is 120 days before the date fixed for the sale in the attached notice. If you have not made service by that date, and the property appears occupied, persist in attempting to make service until it has been accomplished.

As used herein, the singular includes the plural, "trustee" includes any successor trustee, and "person" includes a corporation or any other legal or commercial entity.

(ATTORNEY FOR) TRUSTEE

SIGNED AND SWORN TO before me on June 6, 2001

Notary Public for Oregon

My commission expires 8/3/01

**AFFIDAVIT OF SERVICE**

**53162**

**State of OREGON**

**County of KLAMATH**

**Circuit Court**

Case Number: \_\_\_\_\_

**TRUSTEE:**  
**JOSEPHINE-CRATER TITLE COMPANIES, INC.**

vs.

**GRANTOR:**  
**RICHARD VAN DONK and KAREN VAN DONK**

For:  
Michael Bird  
BROWN, HUGHES, BIRD & ROTE  
612 Nw 5th Street  
Grants Pass OR 97527

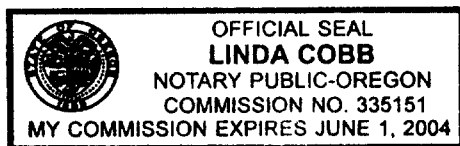
Received by ROGUE LEGAL PROCESS on the 20th day of April, 2001 at 3:54 pm to be served on  
**OCCUPANTS, 109320 HWY. 97 N., KLAMATH FALLS, OREGON aka HWY. 97, 2nd STREET,  
CHEMULT, OREGON 97731.**

I, Susan Barney, being duly sworn, depose and say that on the **30th day of June, 2001 at 1:55 pm, I:**

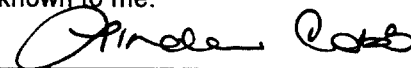
**Posted Commercial Service** by attaching a true copy of this **TRUSTEE'S NOTICE OF SALE** with the date and hour of service endorsed thereon by me, to a conspicuous place on the property described within. The first attempt was on 06-30-01 at 109320 HWY. 97 N., KLAMATH FALLS, OREGON aka 2nd STREET, CHEMULT, OREGON 97731 and the business was found to be vacant and unoccupied.


**Comments pertaining to this Service:**  
**THREE COPIES WERE POSTED TO THE FRONT ENTRANCE OF THE BUILDING.**

I am over the age of 18 and have no interest in the above action.



Subscribed and Sworn to before me on the 3rd day of July, 2001 by the affiant who is personally known to me.

  
\_\_\_\_\_  
NOTARY PUBLIC

  
Susan Barney  
Process Server

**ROGUE LEGAL PROCESS**  
**P.O. Box 1681**  
**Grants Pass, OR 97528**  
**(541) 479-3053**

Our Job Serial Number: 2001000866

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 # 4305

Sale/Van Donk

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 21, 28, Sept. 4, 11, 2001

Total Cost: \$877.50

Subscribed and sworn

before me on: September 11, 2001

Notary Public of Oregon

My commission expires March 15, 2004

TRUSTEE'S  
NOTICE OF SALE

NOTICE is hereby given that the obligation secured by the trust deed described herein is in default, and that the beneficiary has elected to foreclose the trust deed pursuant to ORS 86.705 to 86.795. No action is now pending to recover any part of the debt secured by the trust deed.

Information required by ORS 86.735 and ORS 86.745 is as follows:  
1. Grantor: RICHARD VAN DONK and KAREN VAN DONK, Husband and Wife, as tenants by the entirety.  
Trustee: JOSEPHINE-CRATER TITLE COMPANIES, INC., an Oregon Corporation.  
Successor Trustee: MICHAEL J. BIRD.  
Beneficiary: RON H. MILLER AND JACKIE L. MILLER, Trustees of the Miller Family Trust dated July 25, 1999.

2. Property covered by the trust deed: See Exhibit "A" attached hereto and made a part hereof.  
Property Address: 109320 HWY 97 N, Klamath Falls, OR.

The following described real property situate in Klamath County, Oregon:  
Lot 1 in Block 7 Chemult, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, and also beginning at the Southeast corner of Lot 1 Block 7, Chemult; thence South 70 degree 41' West 150 feet; thence North 19 degree 20' West 52.6 feet, more or less, to the South-

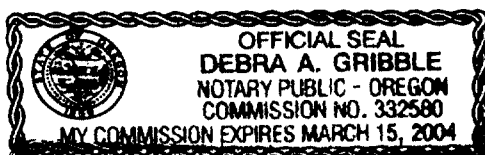
west corner of said Lot 1, thence East along the Southerly line of said Lot 1, 159 feet to the point of beginning, being a portion of the SW 1/4 of the SW 1/4 of Section 21, Township 27 South, Range 8 East of the Willamette Meridian.

Beginning at an axle on the Westerly right of way line of the Dalles-California Highway which marks the Southeast corner of Lot 1 Block 7 of Chemult, Oregon, and running thence South 19 degree 14' East along the Westerly right of way line of the Dalles California Highway a distance of 50 feet to an iron pin; thence South 70 degree 36' West a distance of 150 feet to a point; thence North 19 degree 24' West a distance of 50 feet to an iron pin; thence North 70 degree 36' East a distance of 150 feet, more or less, to the point of beginning, in the SW 1/4 of the SW 1/4 of Section 21, Township 27 South, Range 8 East of the Willamette Meridian.

3. The trust deed was dated April 26, 1999, and recorded April 30, 1999, in the Microfilm Records of Klamath County, Oregon, as Document No. M99, Page 16433.

4. Default for which foreclosure is made is failure to pay the following:  
(a) Monthly payments of \$600.00 (INTEREST ONLY) each commencing February 26, 2001, and thereafter.  
(b) Past due late penalty charges of \$930.00 beginning

with 10/25/99 to 2/21/01.  
(c) Late penalty charges in the amount of \$90 for each monthly payment not made within 15 days of due date.  
(d) Delinquent taxes for the year 1999/2000 in the amount of \$712.46, plus interest; and delinquent taxes for the year 2000/2001 in the amount of \$962.66, plus interest.  
5. The sums owing on the obligation secured by the trust deed is:  
(a) The principal sum of \$40,000.00 with accrued interest thereon at the rate of 18.00 percent per annum beginning 2/21/01 until paid.  
(b) Past due late penalty charges of \$930.00 beginning with 10/25/99 to 2/21/01.  
(c) Late penalty charges in the amount of \$90 for each monthly payment not made within 15 days of due date.  
(d) Delinquent taxes for the year 1999/2000 in the amount of \$712.46, plus interest; and delinquent taxes for the year 2000/2001 in the amount of \$962.66, plus interest;  
(e) Title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and beneficiary's interest herein.  
(f) Any other defaults which may



exist prior to the foreclosure sale not hereinabove mentioned for the protection of the above-described real property and beneficiary's interest therein.

6. The beneficiary has and does elect to sell the property to satisfy the obligation. A Notice of default was recorded

~~on April 12, 2001, as~~  
Volume No. MO1,  
Page 15416 Microfilm Records of Klamath County, Oregon.

7. The property will be sold in the manner prescribed by law on August 31, 2001, at 10:00 O'clock, AM standard time as established by ORS 187.110, at the front steps of AmeriTitle, 222 South Sixth Street, Klamath Falls, Oregon 97601, which is the hour, date and place last set for the sale.

8. Interested persons are notified of the right under ORS 86.753 to have this 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, together with costs, trustee's and attorney's fees, and by curing any other default complained of in this notice, at any time prior to five (5) days before the date the successor trustee conducts the sale.

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.** Dated this 18th day of April, 2001. Michael J. Bird, Successor Trustee.  
#4305 August 21, 28, Sept. 4, 11, 2001.

## TRUSTEE'S NOTICE OF SALE

NOTICE is hereby given that the obligation secured by the trust deed described herein is in default, and that the beneficiary has elected to foreclose the trust deed pursuant to ORS 86.705 to 86.795. No action is now pending to recover any part of the debt secured by the trust deed.

Information required by ORS 86.735 and ORS 86.745 is as follows:

1. **Grantor: RICHARD VAN DONK and KAREN VAN DONK, Husband and Wife, as tenants by the entirety**

**Trustee: JOSEPHINE-CRATER TITLE COMPANIES, INC., an Oregon corporation**

**Successor Trustee: MICHAEL J. BIRD**

**Beneficiary: RON H. MILLER AND JACKIE L. MILLER, Trustees of the Miller Family Trust dated July 25, 1999**

2. **Property covered by the trust deed:**

See Exhibit "A" attached hereto and made a part hereof.

**Property Address:  
109320 HWY 97 N  
KLAMATH FALLS OR**

3. The trust deed was dated April 26, 1999, and recorded April 30, 1999, in the Microfilm Records of Klamath County, Oregon, as Document No. M99, Page 16433,.

4. Default for which foreclosure is made is failure to pay the following:

(a) Monthly payments of \$600.00 (INTEREST ONLY) each commencing February 26, 2001, and thereafter.

(b) Past due late penalty charges of \$930.00 beginning with 10/25/99 to 2/21/01.

(c) Late penalty charges in the amount of \$90 for each monthly payment not made within 15 days of due date.

(d) delinquent taxes for the year 1999/2000 in the amount of \$712.46, plus interest; and delinquent taxes for the year 2000/2001 in the amount of \$962.66, plus interest;



5. The sums owing on the obligation secured by the trust deed is:

- (a) The principal sum of \$40,000.00 with accrued interest thereon at the rate of 18.000 percent per annum beginning 2/21/01 until paid.
- (b) Past due late penalty charges of \$930.00 beginning with 10/25/99 to 2/21/01.
- (c) Late penalty charges in the amount of \$90 for each monthly payment not made within 15 days of due date.
- (d) delinquent taxes for the year 1999/2000 in the amount of \$712.46, plus interest; and delinquent taxes for the year 2000/2001 in the amount of \$962.66, plus interest;
- (e) Title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and beneficiary's interest therein.
- (f) Any other defaults which may exist prior to the foreclosure sale not hereinabove mentioned for the protection of the above-described real property and beneficiary's interest therein.

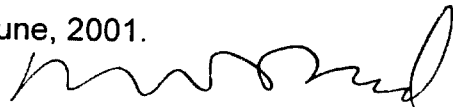
6. The beneficiary has and does elect to sell the property to satisfy the obligation. A Notice of default was recorded on April 12, 2001, as Volume No. M01, Page 15416 Microfilm Records of Klamath County, Oregon.

7. The property will be sold in the manner prescribed by law on August 31, 2001, at 10:00 O'clock, A.M., standard time as established by ORS 187.110, at the front steps of AmeriTitle, 222 South Sixth Street, Klamath Falls, Oregon 97601, which is the hour, date and place last set for the sale.

8. Interested persons are notified of the right under ORS 86.753 to have this 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, together with costs, trustee's and attorney's fees, and by curing any other default complained of in this notice, at any time prior to five (5) days before the date the successor trustee conducts the sale.

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

DATED this 6<sup>th</sup> day of June, 2001.

  
MICHAEL J. BIRD, SUCCESSOR TRUSTEE