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Vol. M01 Page 58784

**RECORDING COVER SHEET**

**Pursuant to ORS 205.234**

State of Oregon, County of Klamath  
Recorded 11/15/01 3:33 p m.  
In Vol. M01, Page 58784  
Linda Smith, County Clerk  
Fee \$ 51.00 # of Pgs 7

**After recording return to:**

**Northwest Trustee Services, LLC  
Attention: Becky Baker  
P.O. Box 4143  
Bellevue, WA 98009-4143**

1. AFFIDAVIT OF MAILING
2. TRUSTEE'S NOTICE OF SALE
3. PROOF OF SERVICE
4. AFFIDAVIT OF PUBLICATION

**Original Grantor(s) on Trust Deed: Barbara Jayne Hurd and William Joseph Samuel Johnson, Jr.**

**Beneficiary: Green Tree Financial Servicing Corporation**

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

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON, County of KING) ss:

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

At all times hereinafter mentioned, I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy 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 address, to-wit:

Klamath County Tax Collector  
305 Main Street  
Klamath Falls, OR 97601

DW Acceptance Corporation  
R/A Wilson C. Muhlheim  
800 Willamette Street, Suite 700  
Eugene, OR 97401

Barbara Jayne Hurd  
42157 German Brown Lane  
Chiloquin, OR 97624

William Joseph Samuel Johnson, Jr.  
42157 German Brown Lane  
Chiloquin, OR 97624

Said 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 required by ORS 86.785.

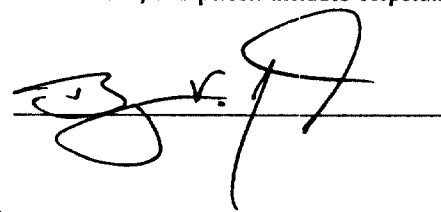
Each of the notices so mailed was certified to be a true copy of the original notice of sale, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 8-7-01. With respect to each person 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 and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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

STATE OF WASHINGTON )

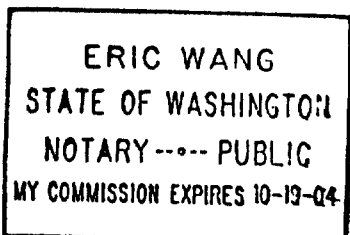
) ss.


COUNTY OF KING )



I certify that I know or have satisfactory evidence that Ben Mark is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 8-7-01



  
NOTARY PUBLIC in and for the State of  
Washington, residing at Maple Valley  
My commission expires 10/19/04

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from  
Hurd, Barbara Jayne and Johnson, William Joseph Samuel Jr.  
Grantor  
to  
DAVID E. FENNELL,  
Trustee

File No. 7042.20040

After recording return to:

Northwest Trustee Services, LLC  
Attn: Eric Wang  
PO Box 4143  
Bellevue, WA 98009-4143

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Barbara Jayne Hurd and William Joseph Samuel Johnson, Jr., as grantor, to Mike Bohannon, as trustee, in favor of Green Tree Financial Servicing Corporation, as beneficiary, dated 04/22/98, recorded 05/04/98, in the mortgage records of Klamath County, Oregon, in Volume M98, Page 14925, covering the following described real property situated in said county and state, to wit:

Lot 7, Block 4, Rainbow Park on the Williamson, in the County of Klamath, State of Oregon.

PROPERTY ADDRESS: 42157 German Brown Lane  
Chiloquin, OR 97624

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 is grantor's failure to pay when due the following sums: monthly payments of \$791.23 beginning 12/05/98; plus late charges of \$0.00 each month beginning ; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with 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 its interest therein.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$79,262.15 with interest thereon at the rate of 11.25 percent per annum beginning 11/05/98; plus late charges of \$0.00 each month beginning until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorneys 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 its interest therein.

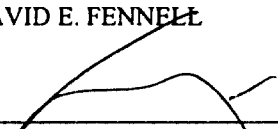
WHEREFORE, notice hereby is given that the undersigned trustee will on **December 7, 2001** at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property 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 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.

58787

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.

DAVID E. FENNEL

DATED July 30, 2001

By   
David E. Fennell - Trustee

For further information, please contact:

Eric Wang  
Northwest Trustee Services, LLC  
PO Box 4143  
Bellevue, WA 98009-4143  
(425) 586-1900  
File No. 7042.20040/Hurd, Barbara Jayne and Johnson, William Joseph Samuel Jr.

State of Washington, County of King) ss:

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

\_\_\_\_\_  
By Authorized Signer

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

## PROOF OF SERVICE

STATE OF OREGON           )  
                                       ) ss.  
 County of Klamath        )

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale certified to be such by the attorney for the trustee or successor trustee, along with a copy of Notice Under the Fair Debt Collection Practices Act, upon the OCCUPANTS at the following address:

**42157 GERMAN BROWN LANE, CHILOQUIN, OREGON 97624**, as follows:


Personal service upon William Johnson, by delivering said true copy, personally and in person, at the above address on August 2, 2001 at 6:50 p.m.

Substitute service upon Barbara Hurd, by delivering said true copy, at his/her usual place of abode as indicated above, to William Johnson, who is a person over the age of 14 years and a member of the household on August 2, 2001 at 6:50 p.m.

Substitute service upon Tim McKinsey, by delivering said true copy, at his/her usual place of abode as indicated above, to William Johnson, who is a person over the age of 14 years and a member of the household on August 2, 2001 at 6:50 p.m.

Substitute service upon Yvette McKinsey, by delivering said true copy, at his/her usual place of abode as indicated above, to William Johnson, who is a person over the age of 14 years and a member of the household on August 2, 2001 at 6:50 p.m.

I declare under the penalty of perjury that the above statement is true and correct.

  
 Dave Shuck

229995

SUBSCRIBED AND SWORN to before me this 21<sup>st</sup> day of August, 2001 by Dave Shuck.



  
 Notary Public for Oregon

# Affidavit of Publication

58789

## 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 # 4349

Notice of Sale

Hurd & Johnson

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:

September 13, 20, 27, October 4, 2001

Total Cost: \$715.50

Subscribed and sworn

before me on: October 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 Barbara Jayne Hurd and William Joseph Samuel Johnson, Jr., as grantor, to Mike Bohannon, as trustee, in favor of Green Tree Financial Servicing Corporation, as beneficiary, dated 04/22/98, recorded 05/04/98, in the mortgage records of Klamath County, Oregon, in Volume M98, Page 14925, covering the following described real property situated in said county and state, to wit: Lot 7, Block 4, Rainbow Park on the Williamson, in the County of Klamath, State of Oregon. PROPERTY ADDRESS: 42157 German Brown Lane, Chiloquin, OR 97624.

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, is grantor's failure to pay when due the following sums: monthly payments of \$791.23 beginning 12/05/98; plus late charges of \$0.00 each month beginning; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the

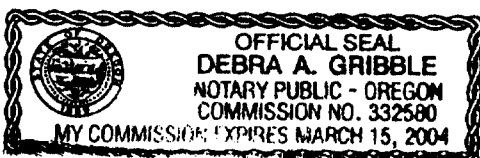
beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$79,262.15 with interest thereon at the rate of 11.25 percent per annum beginning 11/05/98; plus late charges of \$0.00 each month beginning until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with 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 its interest therein.

WHEREFORE, notice hereby is given that the undersigned trustee will on **December 7, 2001** at the hour of 10:00 o'clock, AM in accord with the standard of time established by ORS 86.735(3), at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 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 described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, to-

gether 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 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



58790

Received  
OCT 10 2001  
Routh, Crabtree & Fennell

which is secured by  
said trust deed, and  
the words "trustee"  
and "beneficiary" in-  
clude their respec-  
tive successors in in-  
terest, if any.  
Dated July 30, 2001.  
By David E. Fen-  
nell, Trustee. For  
further information,  
please contact:  
Eric Wang, North-  
west Trustee Serv-  
ices, LLC, PO Box  
4143, Bellevue, WA  
98009-4143, (425) 586-  
1900, File No.  
7042.20040/Hurd,  
Barbara Jayne and  
Johnson, William  
Joseph Samuel Jr.  
#04349 September 13,  
20, 27, October 4,  
2001.