

01 NOV 30 PM 3:17

Vol M01 Page 61316

**RECORDING COVER SHEET
FOR NOTICE OF SALE PROOF
OF COMPLIANCE, PER ORS 205.234**

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.

State of Oregon, County of Klamath
Recorded 11/30/01 3:17 p m.
Vol M01, Pg 61316-23
Linda Smith, County Clerk
Fee \$ 56.00 # of Pgs 8

AFTER RECORDING RETURN TO:

Andrew C. Brandsness
411 Pine Street
Klamath Falls, or 97601

mtc 54442

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:

Donald J. Hoperich and Suzanne Hoperich, husband and wife

Beneficiary

Eric H. Spiess and Meladee Dodds, dba M&E Enterprises of Galt

Skew

Return to:
 Brandsness, Brandsness & Rudd, P.C.
 411 Pine Street
 Klamath Falls, Oregon 97601

Clerk's Stamp:

**AFFIDAVIT OF MAILING NOTICE OF SALE TO GRANTOR,
 SUCCESSOR IN INTEREST TO GRANTOR AND PERSON REQUESTING NOTICE**

STATE OF OREGON)
) ss:
 County of Klamath)

I, Michael P. Rudd, being first duly sworn, depose, say and certify 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 his successor in interest named in the attached original notice of sale given under the terms of that certain trust 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 addresses, to-wit:

Donald J. Hoperich
 5552 American
 Klamath Falls, OR 97603

Suzanne Hoperich
 5552 American
 Klamath Falls, OR 97603

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) and any person, including the Department of Revenue or an 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 by me; 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 Klamath Falls, Oregon, on August 13, 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 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.

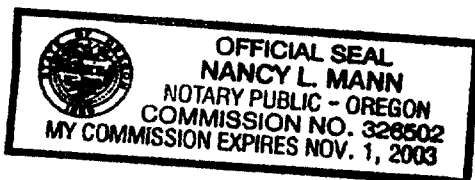
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.


 Michael P. Rudd

STATE OF OREGON)
) ss. August 27, 2001.
 County of Klamath)

Personally appeared Michael P. Rudd and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:


 Notary Public for Oregon
 My Commission expires: 11-1-03



**TRUSTEE'S NOTICE OF DEFAULT
AND ELECTION TO SELL AND OF SALE**

Reference is made to the following Trust Deed: Donald J. Hoperich and Suzanne Hoperich, husband and wife, Grantor; Aspen Title and Escrow, Inc., Trustee; and Eric H. Spiess and Meladee Dodds, dba M&E Enterprises of Galt, Beneficiary, recorded in Official/Microfilm Records, Volume M92, Page 24386, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 5480 Liberty:

Lot 8 in Block 3, TRACT 1096 AMERICANA, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

No action is pending to recover any part of the debt secured by the trust deed.

The obligation secured by the trust deed is in default because the grantor has failed to pay the following: Failed to make the monthly payment of \$664.64 due September 1, 1998, and montly payments thereafter; failed to pay 1998-1999, 1999-2000 and 2000-2001 Klamath County Real Property Taxes.

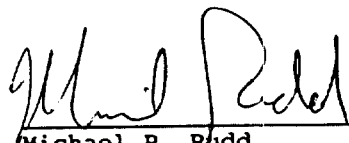
The sum owing on the obligation secured by the trust deed is: \$92,976.86 plus 7% interest from August 1, 1998, until paid; 1998-1999, 1999-2000, and 2000-2001 Klamath County Real Property Taxes in the total amount of \$5,242.13 plus interest, less payments of \$664.64 on November 3, 2000, and December 5, 2001, and a credit of \$1,297.66 held by the court appointed receiver, plus any further adjustments prior to the time the defaults are cured or the property sold, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

Beneficiary has and does elect to sell the property to satisfy the obligation pursuant to ORS 86.705 to 86.795.

The property will be sold as provided by law on December 19, 2001, at 10:00 o'clock a.m. based on standard of time established by ORS 187.110 at the Offices of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon.

Interested persons are notified of the right under ORS 86.753 to have this proceeding dismissed and the trust deed reinstated by payment of the entire amount then due, other than such portion 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 days before the date last set for sale.

Dated: August 9, 2001.



Michael P. Rudd
Attorney for Trustee
411 Pine Street
Klamath Falls, OR 97601

RETURN TO:
 Brandsness, Brandsness & Rudd, P.C.
 411 Pine Street
 Klamath Falls, OR 97601

TRUSTEE'S AFFIDAVIT OF SERVICE ON OCCUPANT

STATE OF OREGON)
) ss.
 County of Klamath)

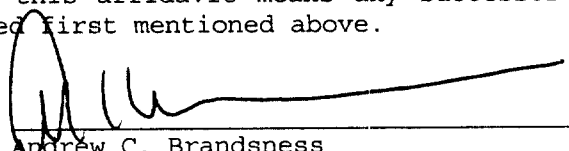
I, Andrew C. Brandsness, being first duly sworn, depose, say and certify that:

I am the trustee in that certain trust deed executed and delivered by Donald J. Hoperich and Suzanne Hoperich, husband and wife as grantor to Aspen Title and Escrow, Inc. as trustee in which Eric H. Spiess and Meladee Dodds, dba M&E Enterprises of Galt is beneficiary, recorded on October 19, 1992 in the mortgage records of Klamath, Oregon, in book/volume No. M92 at page 24386, covering the following described real property situated in said county:

Lot 8 in Block 3, TRACT 1096 AMERICANA, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

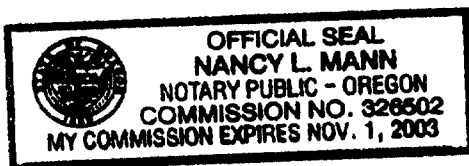
I hereby certify that on August 13, 2001 the occupant(s) of the above-described real property were served with a true copy of the attached Trustee's Notice of Default and Election to Sell and of Sale. A copy of the return of service is attached hereto.

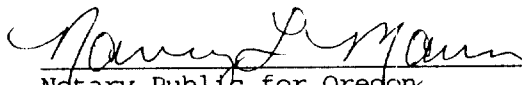
The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.


 Andrew C. Brandsness

STATE OF OREGON)
) ss.
 County of Klamath)

Personally appeared before me this 29 day of November, 2001, Andrew C. Brandsness and acknowledged the foregoing instrument to be his voluntary act and deed.




 Notary Public for Oregon
 My Commission expires: 11-1-03

PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS

61320

STATE OF OREGON
COUNTY OF

Klamath

COURT CASE NO.

Ø

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows:

- ☐ Small Claim
☐ Summons
☐ Complaint
☐ Answer
☐

- ☐ Order
☐ Motion
☐ Affidavit
☐ Restraining Order

- ☐ Subpoena
☐ Notice
☐ Petition
☐ Letter
☐

- ☐ Order to Show Cause
☒ Trustee's Notice of Sale
☐ Writ of Garnishment
☐ Writ of Continuing Garnishment

For the within named: Occupants of 5480 Liberty ave. Klamath Falls, OR

☒ PERSONALLY SERVED: Original or True Copy to within named, personally and in person to: Susan Dill at the address below.

☒ SUBSTITUTE SERVICE: By delivering an Original or True Copy to Susan Dill, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: Donald Dill

☐ OFFICE SERVICE: At the office which he/she maintains for the conduct of business as shown at the address below, leaving such true copy or Original with _____, the person who is apparently in charge.

☐ SERVICE ON CORPORATIONS, LIMITED PARTNERSHIPS OR UNINCORPORATED ASSOCIATIONS SUBJECT TO SUIT UNDER A COMMON NAME.

Upon _____, by (a) delivering such true copy personally and in person, Corporation, Limited Partnership, etc.

to: _____ who is a/the _____ thereof, or
(b) leaving such true copy with _____, the person who is apparently in charge of the office of _____, who is a/the _____ thereof.

☐ OTHER METHOD: _____

☐ NOT FOUND: I certify that I received the within document for service on _____ and after due and diligent search and inquiry, I hereby return that I have been unable to find, the within named respondent, _____ within _____ County.

5480
ADDRESS OF SERVICE

Liberty
STREET

UNIT / APT. / SPC#

Klamath Falls
CITY

OR
STATE

97603
ZIP

I further certify that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or corporation named in the action.

August 13, 2001
DATE OF SERVICE

6:35 a.m. ☐ p.m. ☒
TIME OF SERVICE

Ed Foreman
SIGNATURE

**TRUSTEE'S NOTICE OF DEFAULT
AND ELECTION TO SELL AND OF SALE**

Reference is made to the following Trust Deed: Donald J. Hoperich and Suzanne Hoperich, husband and wife, Grantor; Aspen Title and Escrow, Inc., Trustee; and Eric H. Spiess and Meladee Dodds, dba M&E Enterprises of Galt, Beneficiary, recorded in Official/Microfilm Records, Volume M92, Page 24386, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 5480 Liberty:

Lot 8 in Block 3, TRACT 1096 AMERICANA, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

No action is pending to recover any part of the debt secured by the trust deed.

The obligation secured by the trust deed is in default because the grantor has failed to pay the following: Failed to make the monthly payment of \$664.64 due September 1, 1998, and montly payments thereafter; failed to pay 1998-1999, 1999-2000 and 2000-2001 Klamath County Real Property Taxes.

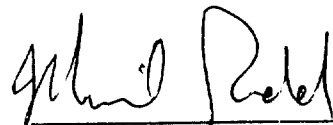
The sum owing on the obligation secured by the trust deed is: \$92,976.86 plus 7% interest from August 1, 1998, until paid; 1998-1999, 1999-2000, and 2000-2001 Klamath County Real Property Taxes in the total amount of \$5,242.13 plus interest, less payments of \$664.64 on November 3, 2000, and December 5, 2001, and a credit of \$1,297.66 held by the court appointed receiver, plus any further adjustments prior to the time the defaults are cured or the property sold, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

Beneficiary has and does elect to sell the property to satisfy the obligation pursuant to ORS 86.705 to 86.795.

The property will be sold as provided by law on December 19, 2001, at 10:00 o'clock a.m. based on standard of time established by ORS 187.110 at the Offices of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon.

Interested persons are notified of the right under ORS 86.753 to have this proceeding dismissed and the trust deed reinstated by payment of the entire amount then due, other than such portion 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 days before the date last set for sale.

Dated: August 9, 2001.



Michael P. Rudd
Attorney for Trustee
411 Pine Street
Klamath Falls, OR 97601

61322

BRANDSNESS, BRANDSNESS & RUDD, P.C.

*WILLIAM P. BRANDSNESS
ANDREW C. BRANDSNESS
MICHAEL P. RUDD
W. DANIEL BUNCH*

*Attorneys at Law
411 Pine Street
Klamath Falls, Oregon 97601*

*Telephone (541) 882-6616
Fax (541) 882-8819*

August 16, 2001

Donald Dill
5480 Liberty
Klamath Falls, OR 97603

Re: M & E Enterprises - Hoperich Foreclosure

Dear Mr. Dill:

You are hereby advised that Trustee's Notice of Default and Election to Sell and of Sale, a certified true copy of which is enclosed herewith, was duly served upon Susan Dill in your absence at 5480 Liberty, Klamath Falls, Oregon on August 13, 2001, at 6:35 p.m.

BRANDSNESS, BRANDSNESS & RUDD, P.C.

Andrew C. Brandsness

ACB:nlm
Enclosures
c: Meladee McCarty
m&eent14

This contact is an attempt to collect a debt and any information obtained will be used for that purpose.

Affidavit of Publication

61323

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 # 4410

Notice of Sale/Hoperich

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:
October 7, 14, 21, 28, 2001

Total Cost: \$445.50

Subscribed and sworn

before me on: October 28, 2001

Notary Public of Oregon

My commission expires March 15, 2004

TRUSTEE'S NOTICE OF DEFAULT AND ELECTION TO SELL AND OF SALE

We Are Attempting
To Collect A Debt.
Any Information Ob-
tained Will Be Used
For That Purpose.

Reference is made to the following Trust Deed: Donald J. Hoperich and Suzanne Hoperich, husband and wife, Grantor; Aspen Title and Escrow, Inc., Trustee; and Eric H. Spiess and Meladee Dodds, dba M & E Enterprises of Galt, Beneficiary, recorded in Official/Microfilm Records, Volume M92, Page 24386, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 5480 Liberty: Lot 8 in Block 3, TRACT 1096 AMERICANA, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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The sum owing on the obligation secured by the trust deed is: \$92,976.86 plus 7% interest

from August 1, 1998, until paid; 1998-1999, 1999-2000, and 2000-2001 Klamath County Real Property Taxes in the total amount of \$5,242.13 plus interest, less payments of \$664.64 on November 3, 2000, and December 5, 2001, and a credit of \$1,297.66 held by the court appointed receiver, plus any further adjustments prior to the time the defaults are cured or the property sold, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

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Dated: August 9, 2001. Michael P. Rudd, Attorney for Trustee, 411 Pine Street, Klamath Falls, OR 97601. #4410 October 7, 14, 21, 28, 2001.

