

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE	
RE: Trust Deed from David L. Boyle, Susan Boyle to	Grantor
Richard L. Biggs, Esq.	Trustee
AFTER RECORDING RETURN TO Richard L. Biggs, Esq. PMB 267 6327-C SW Capitol Highway Portland, OR 97201	

State of Oregon, County of Klamath  
 Recorded 12/26/01 11:15 A m.  
 Vol M01, Pg 65782  
 Linda Smith, County Clerk  
 Fee \$ 46.00 # of Pgs 6

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Multnomah ) ss:

I, Molly M. Luoto, 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 Oregon, 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 addresses, to-wit:

NAMEADDRESS

See attached Exhibit A.

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 by Molly M. Luoto, for the trustee named in said notice; 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 Wilsonville, Oregon, on July 19, 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.

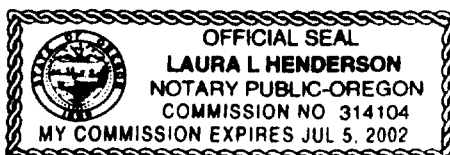
Molly M Luoto

Subscribed and sworn to before me on July 20, 2001.

Laura L. Henderson

Notary Public for Oregon.

My commission expires \_\_\_\_\_



## Exhibit A – Affidavit of Mailing Trustee's Notice of Sale

Occupants  
608 East 1<sup>st</sup> Street  
Merrill, OR 97633

David L. Boyle  
608 East 1<sup>st</sup> Street  
Merrill, OR 97633

Susan Boyle  
608 East 1<sup>st</sup> Street  
Merrill, OR 97633

David L. Boyle  
PO Box 417  
Merrill, OR 97633

Susan Boyle  
PO Box 417  
Merrill, OR 97633

Russ Berrie & Co., Inc.  
A New Jersey Corporation  
111 Bauer Drive  
Oakland, NJ 07436

Donald R. Slayton, Esq.  
Attorney for Russ Berrie & Co.  
440 E. Broadway, Suit e160  
Eugene, OR 97401

George Zoltan Lefton Co.  
c/o Brian M. Sullivan, Esq.  
3526 SW Corbett Avenue  
Portland, OR 97201

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by David L. Boyle and Susan Boyle, as grantors, to Aspen Title and Escrow, as trustee, in favor of Associates Financial Services Company of Oregon, Inc., a division of CitiFinancial, Inc., as beneficiary, dated May 31, 2000, recorded June 2, 2000, in the mortgage records of Klamath County, Oregon, as Book M-00, Page 20029, covering the following described real property situated in the above-mentioned county and state, to-wit:

Lot 5, Block 1, TERWILLIGER ADDITION TO THE CITY OF MERRILL,  
in the County of Klamath, State of Oregon.

*(The title company advises the property address is 608 E. 1<sup>st</sup> Street, Merrill, Oregon)*

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

Partial payment for October 2000, and monthly payments for November 2000 through July 2001, plus expenses, for a total of \$8,841.17, plus real property taxes for 2000-01.

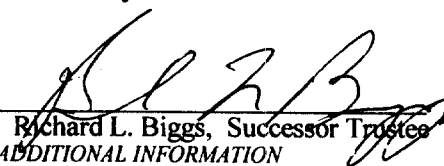
By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit:

As of June 13, 2001, the principal sum of \$70,258.56 plus interest thereafter; plus any sums advanced by the beneficiary or beneficiary's successor in interest for the protection of the above described property, plus attorney and trustee's fees incurred by reason of said default.

WHEREFORE, notice hereby is given that the undersigned trustee will on **November 26, 2001, at the hour of 11:00 a.m.**, in accord with the standard of time established by ORS 187.110, at: **2<sup>nd</sup> Floor of 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 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. The Federal Fair Debt Collection Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.

DATED July 16, 2001.

  
Richard L. Biggs, Successor Trustee  
FOR ADDITIONAL INFORMATION  
CALL (503) 227-6922

State of Oregon, County of Multnomah ) ss:

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

\_\_\_\_\_  
For said Trustee

**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 the Notice Under the Federal Fair Debt Collection Practices Act, upon the **OCCUPANTS** at the following address:

**608 EAST 1<sup>ST</sup> STREET, MERRILL, OREGON 97633**, as follows:

Personal service upon David Boyle, by delivering said true copy, personally and in person, at the above address on July 26, 2001 at 9:45 a.m.

Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2001 at \_\_\_\_\_:\_\_\_\_\_ a.m.

Substitute service upon Susan Boyle, by delivering said true copy, at his/her usual place of abode as indicated above, to David Boyle who is a person over the age of 14 years and a member of the household on July 26, 2001 at 9:45 a.m.

Substitute service upon Eddie J. Dee, by delivering said true copy, at his/her usual place of abode as indicated above, to David Boyle who is a person over the age of 14 years and a member of the household on July 26, 2001 at 9:45 a.m.

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

Troy W. Garrison  
 Troy W. Garrison           229446

SUBSCRIBED AND SWORN to before me this 31 day of July, 2001 by Troy Garrison.



Sandra C Cox  
 Notary Public for Oregon

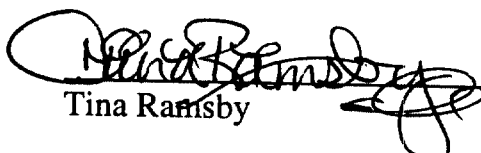
Boyle

**CERTIFICATE OF MAILING**

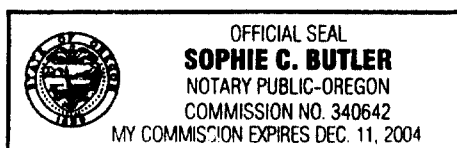
STATE OF OREGON       )  
                                  ) ss.  
County of Multnomah    )

I, Tina Ramsby, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On July 27, 2001, I mailed a true copy of the Trustee's Notice of Sale, along with the Notice Pursuant to the Federal Fair Debt Collection Practices Act, via First Class Mail, postage pre-paid, together with a statement of the date, time, and place at which substitute service was made, to Eddie J. Dee.

The envelope was addressed as follows: Eddie J. Dee  
608 E 1<sup>st</sup> St  
Merrill, OR 97633

  
Tina Ramsby . 229446

SUBSCRIBED AND SWORN TO BEFORE ME this 27th day of July, 2001, by Tina Ramsby.



  
Notary Public for Oregon

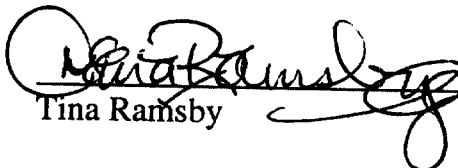
Boyle

**CERTIFICATE OF MAILING**

STATE OF OREGON       )  
                                   ) ss.  
 County of Multnomah    )

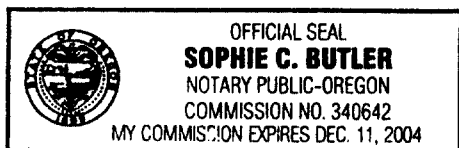
I, Tina Ramsby, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On July 27, 2001, I mailed a true copy of the Trustee's Notice of Sale, along with the Notice Pursuant to the Federal Fair Debt Collection Practices Act, via First Class Mail, postage pre-paid, together with a statement of the date, time, and place at which substitute service was made, to Susan Boyle.

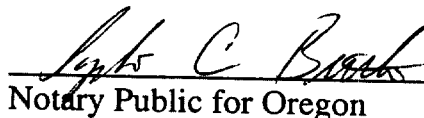
The envelope was addressed as follows: Susan Boyle  
 608 E 1<sup>st</sup> St  
 Merrill, OR 97633

  
 Tina Ramsby

229446

SUBSCRIBED AND SWORN TO BEFORE ME this 27th day of July, 2001, by Tina Ramsby.



  
 Notary Public for Oregon