

'02 FEB 6 AM 10:48

Vol M02 Page 7034

State of Oregon, County of Klamath  
Recorded 02/06/2002 10:48 a m.  
Vol M02, Pg 7034-7038  
Linda Smith, County Clerk  
Fee \$ 41.00 # of Pgs 5

**AFFIDAVIT OF MAILING OF NOTICE OF DEFAULT AND NOTICE OF SALE**

STATE OF OREGON     )  
                                  )ss.  
County of Jackson    )

I, CARLYLE F. STOUT III, Successor-Trustee, being first duly sworn, depose, say and certify that:

1. At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of 18 years and not the beneficiary or his successor in interest named in the original notice of sale given under the terms of that certain trust deed described in said notice.

2. I gave notice of default and notice of sale of the real property described in the attached true copy of the notice of default and notice of sale by mailing a true copy thereof by both first class and certified mail with return receipt requested to their respective last known addresses, of all persons entitled thereto pursuant to ORS 86.740.

NAME  
DONALD R. DAVIS

ADDRESS  
PO BOX 1889  
JACKSONVILLE, OR 97530  
Certified Mail No. 70010360000293031054  
and by First Class Mail

DATE  
12/6/01

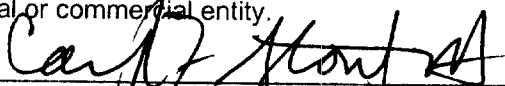
DONALD R. DAVIS

4951 GRIFFIN CREEK ROAD  
MEDFORD, OR 97501  
Certified Mail No. 70010360000293031023  
and by First Class Mail

12/6/01

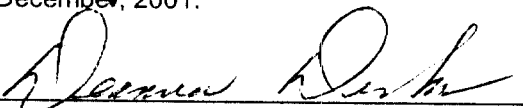
Said persons include the grantor in the trust deed, any successor in interest to said grantor, any each person or entity having or claiming an interest or lien in the property of whom the trustee has actual notice, or whose interest or lien appears of record, including persons requesting notice pursuant to ORS 86.785.

Each of the notices so mailed was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States Post Office at Medford, Oregon, on **December 6, 2001**. Each of said notices was mailed after the notice of default and notice of sale was recorded and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale. As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

  
Carlyle F. Stout III, Successor Trustee

Subscribed and sworn to before me this 6<sup>th</sup> day of December, 2001.



  
Notary Public for Oregon  
My Commission Expires: 6/25/2005

AFFIDAVIT OF MAILING OF NOTICE OF DEFAULT AND NOTICE OF SALE  
(dee\clients\premier\davis\affidavit of mailing 90007)

IN THE \_\_\_\_\_ COURT OF THE STATE OF \_\_\_\_\_ OREGON  
COUNTY OF \_\_\_\_\_ KLAMATH \_\_\_\_\_ : COURT CASE NO. \_\_\_\_\_ 61438

PREMIER WEST BANK

7035

vs  
DONALD DAVIS AKA  
DONALD R DAVIS

**PROOF OF SERVICE**

FEB 01 2002  
FEB 01 2002

STATE OF OREGON )  
County of \_\_\_\_\_ KLAMATH ) SS.

I hereby certify that on the \_\_\_\_\_ 28 day of \_\_\_\_\_ January, 20 \_\_\_\_\_ 02 at the hour of \_\_\_\_\_ 0820  
I served \_\_\_\_\_ OCCUPANTS, MIKE ROYLE, OCCUPANT OF WHAREHOUSE \_\_\_\_\_ by

- ☒ Personal Service (personally and in person)  
☐ Substitute Service (by serving a person over the age of 14 years, who resides at the usual place of abode of the within named)  
☐ Office Service (by serving the person apparently in charge)  
☐ By posting (said residence)

A certified/true copy of:

- |   |  |                                       |
|---|--|---------------------------------------|
| <input type="checkbox"/> Summons  | <input type="checkbox"/> Writ of Garnishment | <input type="checkbox"/> Small Claims |
| <input type="checkbox"/> Motion   | <input type="checkbox"/> Order               | <input type="checkbox"/> Affidavit    |
| <input type="checkbox"/> Complaint  | <input type="checkbox"/> Citation            | <input type="checkbox"/> Subpoena     |
| <input type="checkbox"/> Petition   | <input type="checkbox"/> Notice              | <input type="checkbox"/> Decree       |
| <input checked="" type="checkbox"/> Other: _____ NOTICE OF DEFAULT AND NOTICE OF SALE |  |                                       |

Together with a copy of \_\_\_\_\_

To \_\_\_\_\_ MARK ROYLE \_\_\_\_\_ At \_\_\_\_\_ 43441 HWY 62  
\_\_\_\_\_ CHILOQUIN, OR. 97624

NOT FOUND: I certify that I received the within document for service on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_  
and after due and diligent search and inquiry, I have been unable to locate \_\_\_\_\_  
within the county of \_\_\_\_\_ Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF \_\_\_\_\_ KLAMATH

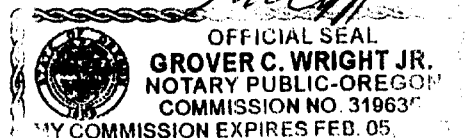
I am a competent person over the age of 18, a resident of said State, not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise and knew that the person, firm or corporation served is the identical one named in the action.

*Kathleen Shaffer*

KATHLEEN SHAFFER (#25)

Cleveland & Carl Investigation Company  
(541) 535-6005

Subscribed to and sworn to before me this  
31 day of \_\_\_\_\_ 20 \_\_\_\_\_



Papers  
Received From \_\_\_\_\_ CARLYLE F. STOUT III, ATTY AT  
\_\_\_\_\_ 215 LAUREL  
\_\_\_\_\_ MEDFORD  
\_\_\_\_\_ OR 97501  
FEDERAL ID # 93-1262071  
541-776-2020  
ATTN: DEE

Remit to: CCIC, Inc. P.O. Box 1290 Talent, OR 97540	Service Fee	\$ 25.00
Date: 01-31-2002	Mileage	\$
CCIC File No. 14691-KS	Rush/Emergency	\$
Client No.	Incorrect Add.	\$
	SHERIFF FEE	\$35.00
	Amount Paid	\$ 0.00
PREMIER WEST BANK	TOTAL DUE	\$ \$60.00

## NOTICE OF DEFAULT AND NOTICE OF SALE

**NOTICE** is hereby given that the obligation, the performance of which is secured by the herein-described deed of trust, is in default and that the beneficiary has elected to foreclose the trust deed by advertisement and sale in the manner provided in ORS 86.705 to ORS 86.795.

The information required by statute is as follows:

1. No action has been instituted to recover the debt or any part of it then remaining secured by the trust deed, or, if such action has been instituted, the action has been dismissed;

2. The Grantor is: **DONALD DAVIS** also known as **DONALD R. DAVIS**

3. The Trustee is: **AMERITITLE COMPANY, Successor in Interest to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY**

4. The Successor Trustee is: **CARLYLE F. STOUT III**

5. The Beneficiary is: **PREMIER WEST BANK, Successor by Merger to BANK OF SOUTHERN OREGON**

6. The description of the real property covered by the trust deed is as follows:

Parcel 1 of Partition No. 57-94 filed January 9, 1995, in the Office of the County Clerk of Klamath County, Oregon, and being located in the Southwest Quarter of the Southwest Quarter of Section 18, Township 34 South, Range 7 East, of the Willamette Meridian, Klamath County, Oregon. Klamath County Assessor's Account No. 3407-018CC-00101, Common Street Address: 43441 Highway 62, Chiloquin, OR 97620

7. The trust deed was recorded on the April 1, 1996, at Volume M96, Page 8994, in the Official Records of Klamath County, Oregon, also known as Document No. 15704 in said Official Records. The Trust Deed was modified on two occasions, the first occurring on November 30, 1998, pursuant to a modification which was recorded on December 7, 1998, in the Official Mortgage Records of Klamath County, Oregon, at Volume M98, Page 44532 (the First Modification) and the second modification was dated October 16, 2000, and recorded on October 20, 2000, in Volume M00, on Page 38469, in the Official Mortgage Records of Klamath County, Oregon, (the Second Modification).

8. The default for which this foreclosure is made is as follows:

(a) Failure to make the principal payment in the sum of \$84,289.68, due on June 30, 2001, together with all interest at the rate of 7.5% per annum thereon from July 12, 2000:

(b) Failure to pay a late charge in the sum of \$4,214.48, representing 5% of the payment due on June 30, 2001;

(c) Breach by Grantor of other loan agreements with Beneficiary as follows:

(1) Loan No. 1207490003: Failure to make the monthly payments due in a timely manner, including the monthly payments due August 18, 2001, in the sum of \$1,983 and a like payment on the 18<sup>th</sup> of each and every month thereafter, and failure to pay a late charge in the sum of \$95.04, representing 5% of the monthly payment, for the payment due in August, 2001 and each and every month thereafter;

(2) Loan No. 1207490009: Failure to make the payment due August 1, 2001, in the sum of \$697.77 and failure to make a like payment on the 1<sup>st</sup> of each and every month thereafter and failure to pay a late charge in the sum of \$34.89 because the above-referenced payment was not made within 16 days of its due date.

(d) Failure to pay the beneficiary its reasonable attorney's fees incurred concerning the above-referenced defaults and breaches of the loan documents.

9. The sum owing on the obligation secured by trust deed is as follows: \$84,289.68, with interest thereon at the rate of 7.5% per annum from July 12, 2000, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said trust deed.

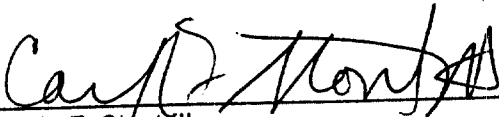
10. The beneficiary elects to sell the property to satisfy the obligations secured by the trust deed.

11. The property will be sold in the manner prescribed by law on the 26th day of April, 2002, at 10:50 o'clock a.m., standard time, as established by ORS 187.110 at the steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Klamath County, Oregon.

12. Interested persons are hereby 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, together with costs, trustee's and attorney's fees, and by curing any other default complained of in the notice of default, at any time prior to five (5) days' before the date last set for the sale.

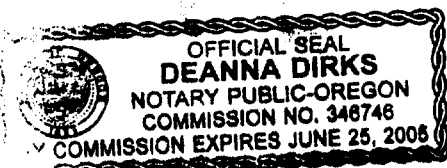
13. In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.


DATED this 29<sup>th</sup> day of November, 2001.

  
 Carlyle F. Stout III  
 Attorney at Law, Successor Trustee

STATE OF OREGON     )  
                                   )ss.  
 County of Jackson     )

Personally appeared Carlyle F. Stout III and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 29th day of November, 2001.



  
 Notary Public for Oregon  
 My Commission Expires: 6/25/2005

(de:\clients\premier\davis\90007\default notice)