

'02 FEB 20 AM 11:09

INT 55072  
AFFIDAVIT OF MAILING

Vol M02 Page 10078

STATE OF OREGON     )  
                              ) ss,  
County of Douglas     )

State of Oregon, County of Klamath  
Recorded 02/20/2002 11:09 a m.  
Vol M02, Pg 10078-10086  
Linda Smith, County Clerk  
Fee \$ 61.00 # of Pgs 9

I, Barbara L. Thomas, 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 Trustee's 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 Trustee's Notice of Sale by mailing an original thereof by first class and certified mail with return receipt requested to each of the parties named on the attached letter at their respective addresses.

Said parties include the grantor in the trust deed; any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice any parties 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, any party requesting notice, as required by ORS 86.785.

Each of the notices so mailed was an original notice of sale signed by the trustee; each such notice was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Roseburg, Oregon, on October 18, 2001. With respect to each party listed herein, 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 notice was mailed after the notice of default and election to sell described in said notice of sale was recorded.

Barbara L. Thomas  
Barbara L. Thomas, Assistant Secretary

Subscribed and sworn to before me this 18th day of October, 2001

Kathleen A. Brown





10079

October 17, 2001

JUSTIN LEE MOORE, SOLE HEIR OF WES  
MOORE  
345 N. 5<sup>th</sup>, #55  
Klamath Falls, OR 97601

JUSTIN LEE MOORE, SOLE HEIR OF WES  
MOORE  
P.O. Box 733  
Klamath Falls, OR 97601

Attached, and mailed separately to each of you by both first class and certified mail, is an original Trustee's Notice of Sale in connection with the foreclosure of a trust deed made by WES MOORE in favor of JACK D. GANN and JOYCE M. GANN, each as to an undivided ½ interest. This notice is being mailed to you pursuant to Chapter 86 of the Oregon Revised Statutes.

Please read the enclosed notice carefully and if you have any questions regarding your rights you should consult your attorney.

Sincerely,

AmeriTitle, Inc.

Barbara L. Thomas  
Assistant Secretary

BLT: jws  
Order No.: 00053775



10080

### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by WES MOORE, as Grantor, to AmeriTitle, Inc. as Trustee in favor of JACK D. GANN and JOYCE M. GANN, each as to an undivided ½ interest as beneficiary, dated December 17, 1998 and recorded December 17, 1998, in Volume M98 at Page 46242, Records of Klamath County, Oregon, covering the following described real property in said county and state:

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

COMMONLY KNOWN AS: Bareland  
Klamath Falls, 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; the default for which foreclosure is made is grantor's failure to pay when due the following sums:

monthly payments in the amount of \$277.14, due for June, 2001,  
through present, plus late charges, delinquent property taxes and  
advances by beneficiary, if any.

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 \$ 26,338.10 plus interest, accrued late charges and advances.

WHEREFORE, notice is hereby given that the undersigned trustee will on March 14, 2002, at the hour of 10:30 o'clock A.M., Pacific Time, as established by, Oregon Revised Statutes, at the offices of AmeriTitle, Inc. located at 222 South Sixth Street, in the City of Klamath, County of Klamath and State of Oregon, sell at public auction to the highest bidder for cash in the form of a Cashier's Check the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said Trust Deed, together with any interest which the grantor or his 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 Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary 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 of Oregon Revised Statutes.

10081

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 16<sup>th</sup> day of October, 2001

AmeriTitle, Inc.

By:   
Barbara L. Thomas  
Assistant Secretary

BLT: jws  
Order No.: 00053775

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A tract of land situated in the SW1/4 SW1/4 of Section 5, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point which lies South 89 degrees 42' West a distance of 540 feet from the iron pin on the Westerly line of RIVERVIEW ADDITION, which is the Northeast corner of the SW1/4 SW1/4 of said Section 5; thence, South 00 degrees 18' East parallel to the West line of said RIVERVIEW SUBDIVISION, 455 feet; thence South 89 degrees 42' West, parallel to the North line of the SW1/4 SW1/4 of said Section 5, 768 feet, more or less, to the West line of said Section 5; thence North 00 degrees 06' East 455 feet to the Northwest corner of the SW1/4 SW1/4 of said Section 5; thence North 89 degrees 42' East 764.8 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM the following described parcel Situated in the SW1/4 of the SW1/4 of Section 5, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the initial point on the West line of said Section 5, from which the Southwest corner of said Section 5 bears South 00 degrees 07' 32" West 899.28 feet; thence North 00 degrees 07' 32" East, along said Section line 227.50 feet thence North 89 degrees 42' 02" East 754.15 feet to the West line of the public road easement; thence South 00 degrees 20' 58" East along said easement 227.50 feet; thence South 89 degrees 42' 03" West 736.04 feet to the point of beginning.

TOGETHER WITH an easement for ingress and egress created by instrument, subject to the terms and provisions thereof, recorded July 31, 1979 in Volume M79, page 18195, Microfilm Records of Klamath County, Oregon

MTL 55072

## AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON           )  
   ) ss.  
 County of Douglas        )

I, BARBARA L. THOMAS, being first duly sworn, depose, say and certify that:

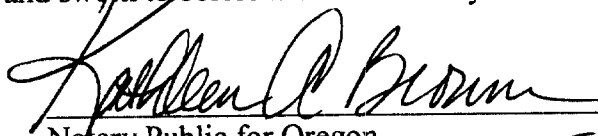
I am, and have been at all times material hereto, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached Trustee's Notice of Sale given under the terms of that certain trust deed described in said notice; and,

I hereby certify that on October 17, 2001, the property described on the attached Trustee's Notice of Sale was not occupied.



BARBARA L. THOMAS  
 Assistant Secretary

Subscribed and sworn to before me this 17th day of October, 2001.



Notary Public for Oregon

My commission expires: 1-21-05

Order No. 53775





10084

### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by WES MOORE, as Grantor, to AmeriTitle, Inc. as Trustee in favor of JACK D. GANN and JOYCE M. GANN, each as to an undivided ½ interest as beneficiary, dated December 17, 1998 and recorded December 17, 1998, in Volume M98 at Page 46242, Records of Klamath County, Oregon, covering the following described real property in said county and state:

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

COMMONLY KNOWN AS: Bareland  
Klamath Falls, 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; the default for which foreclosure is made is grantor's failure to pay when due the following sums:

monthly payments in the amount of \$277.14, due for June, 2001,  
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Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary 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 of Oregon Revised Statutes.

10085

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 16<sup>th</sup> day of October, 2001

**AmeriTitle, Inc.**

By:   
Barbara L. Thomas  
Assistant Secretary

BLT: jws  
Order No.: 00053775



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