

APPOINTMENT OF SUCCESSOR TRUSTEE

02 APR 4 PM 1:54  
KNOW ALL MEN BY THESE PRESENTS, that RICHARD VAN DONK and KAREN VAN DONK, is the grantor, and Evergreen Land Title Company, is the trustee, and F. WILLIAM HONSOWERTZ, Personal Representative of the Estate of Barbara Bedard is the beneficiary under that certain trust deed dated December 12, 1997, and recorded on December 12, 1997, in book/reel/volume No. M97 at page 40435 of the Mortgage Records of Klamath County, Oregon.

The undersigned, who is the present beneficiary under said trust deed desires to appoint a new trustee in the place and stead of the original trustee named above;

NOW THEREFORE, in view of the premises, the undersigned hereby appoints SCOTT D. MACARTHUR, whose address is under said trust deed, he to have all the powers of said original trustee, effective forthwith.

In construing this instrument and whenever the context hereof so required, the masculine gender includes the feminine and the neuter and the singular number includes the plural.

IN WITNESS WHEREOF, the undersigned beneficiary has hereunto set his hand and seal; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its Board of Directors.

DATED: DEC. 31, 2001.

Daniel Miller  
Daniel Miller

STATE OF OREGON County of Klamath ): ss

The foregoing instrument was acknowledged before me this 1st day of February, 2002 by Daniel Miller.



Before me: Scott D. MacArthur  
Notary Public for Oregon  
My Commissioner Expires: 1/14/2006

APPOINTMENT OF  
SUCCESSOR TRUSTEE  
Trust Deed from  
Van Donk

STATE OF OREGON, County of Klamath )ss.

I certify that the within instrument received for record on the \_\_\_\_ day of \_\_\_\_\_, 2001, at \_\_\_\_ o'clock \_\_.m., and recorded in book/reel/ volume No. \_\_\_\_, Recorded of Deeds of said County.

Grantor

SCOTT D. MACARTHUR, P.C.  
280 Main Street  
Klamath Falls, OR 97601

State of Oregon, County of Klamath  
Recorded 04/04/2002 1:54 pm.  
Vol M02, Pg 19820-23  
Linda Smith, County Clerk  
Fee \$ 36.00 # of Pgs 4

Witness my hand and seal of County affixed.

Trustee  
After recording return to:  
  
Scott D. MacArthur, P.C.  
280 Main Street  
Klamath Falls, OR 97601

Name \_\_\_\_\_ Title \_\_\_\_\_  
By \_\_\_\_\_ Deputy \_\_\_\_\_

# Affidavit of Publication

19821

## 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 # 4565

Notice of Sale/Van Donk

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:

January 18, 25, February 1, 8, 2002

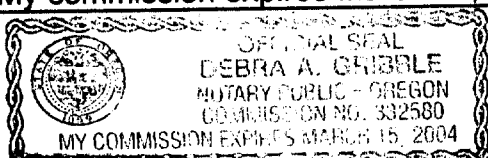
Total Cost: \$621.00

Subscribed and sworn

before me on: February 8, 2002

Notary Public of Oregon

My commission expires March 15, 2004



### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by RICHARD VAN DONK and KAREN VAN DONK (kna KAREN SUTTON), as grantor, to EVERGREEN LAND TITLE COMPANY, as trustee, in favor of F. WILLIAM HON-SOWETZ, personal Representative of the Estate of Barbara Bedard, as beneficiary, dated December 12, 1997, recorded December 12, 1997, in the mortgage records of Klamath County, Oregon, in book/reel/ volume No. M97 at page 40435, covering the following described real property situated in said county and state, to-wit:

#### EXHIBIT "A"

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 Section 86.735(3) of Oregon Revised Statutes. The Default for which the foreclosure is made is grantor's failure to pay when due the following sums: Payments in the amount of \$503.00 per month from January, February, March, April, June, October and November 1999, and from January 2000 through the present. Taxes for the fiscal year 1999-2000 in the sum of \$538.37 plus interest thereon. Taxes for the fiscal year 2000-2001 in the sum of \$605.59 plus interest thereon.

Taxes for the fiscal year 2001-2002 in the sum of \$622.79 plus interest thereon.

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: \$16,336.13 as of December 28, 1999 plus costs and interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on March 1, 2002 at the hour of 2:00 PM Standard time, as established by Section 187.110, Oregon Revised Statutes, at 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 said described real property which the grantors had or had power to convey at the time of the execution by him of said trust deed, to satisfy the foregoing obligations thereby secured and the costs or their 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 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 Section 86.753 of Oregon Revised Statutes.

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: January 7, 2002. Scott D. MacArthur, Successor Trustee, 280 Main Street, Klamath Falls, OR 97601. #4565 January 18, 25, February 1, 8, 2002.

AFFIDAVIT OF NON-OCCUPANCY

19822

After Recording return to:  
Scott D. MacArthur, P.C.  
280 Main Street  
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, SCOTT D. MacARTHUR, being first duly sworn, depose and certify that:

I am the Successor Trustee under the Trust Deed delivered by Richard Van Donk and Karen Van Donk, as grantor to Evergreen Land Title Co., as Trustee to F. William Honsowertz, Personal Representative of the Estate of Barbara Bedard, dated December 12, 1997 and recorded December 12, 1997 at Volume M97, page 40435 of the Mortgage Records of Klamath County, Oregon covering the following described property situated in Klamath County, Oregon

Exhibit "A" attached hereto and incorporated herein by this reference.

I hereby certify that the above described real property was not occupied at the time the Notice of Default and Election to Sell was recorded on August 14, 2001.

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

Scott D. MacArthur

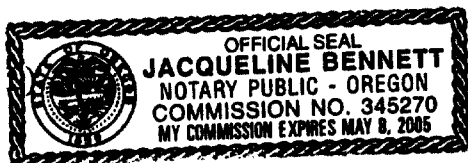
Subscribed and sworn to before me this 8<sup>th</sup> day of March, 2002.

Jacqueline Bennett

Notary Public for Oregon

My Commission Expires: \_\_\_\_\_

(S E A



19823

## PARCEL 1:

Lots 4, 5, 8 and 9, Block 3, CHEMULT, in the County of Klamath, State of Oregon. TOGETHER WITH that portion of vacated Chemult Road and of the vacated alleyway that inures to the above described property.

LESS AND EXCEPT the Southerly 50 feet of Lot 8 and the Southerly 50 feet of Lot 9, Block 3, CHEMULT, in the County of Klamath, State of Oregon.

## PARCEL 2:

Lots 3, 4, 5, 6, 7, 8, 9 and 10, Block 3, NORTH CHEMULT, a vacated Subdivision, in the County of Klamath, State of Oregon. TOGETHER WITH that portion of vacated Fourth Street and of the vacated alley way that inures to the above described property.

## PARCEL 3:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, Block 4, NORTH CHEMULT, a vacated subdivision, in the County of Klamath, State of Oregon. TOGETHER WITH that portion of vacated Fourth Street and of the vacated alley way that inures to the above described property.

CODE 50 MAP 2708-21CB TL 200  
CODE 50 MAP 2708-21BC TL 800