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# AFFIDAVIT OF SERVICE

## TRUSTEE'S NOTICE OF SALE

Case Number: \_\_\_\_\_

Vol M02 Page 20702

Beneficiary:

**HOWARD CHARLES HASSETT 1994 Trust UTD 9/27/94 & MARY ANN HASSETT 1994 Trust UTD 9/27/94 et al,**

vs.

Grantor(s):

**ERNST BROTHERS, LLC,**

State of Oregon, County of Klamath  
Recorded 04/09/2002 8:27a m.

Vol M02. Pg 20702-05

Linda Smith. County Clerk  
Fee \$ 36.00 # of Pgs 4

For:

Patrick Huycke

Huycke, Maulding, O'Connor & Jarvis, L.L.

502 W. Main St.

Suite 102

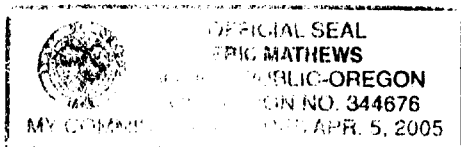
Medford, OR 97501

Received by ROGUE LEGAL PROCESS on the 8th day of March, 2002 at 3:38 pm to be served on **CRESCENT OIL GROUP, LLC, 40 NW Greenwood Ave., Bend OR 97701.**

I, Michael J. Long, being duly sworn, depose and say that on the **8th day of March, 2002 at 4:18 pm, I:**

Served the within named **CORPORATION, LIMITED PARTNERSHIP or UNINCORPORATED ASSOCIATION SUBJECT TO SUIT UNDER A COMMON NAME** by delivering a true copy of the **TRUSTEE'S NOTICE OF SALE** to **KACI WHITAKER**, clerk on duty in the office of **JOHN D. SORLIE Registered Agent** of the within named business entity at the aforementioned address.

I further certify that I am a competent person over the age of 18 and a resident of the state of Oregon, and that I am not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise: that the person served by me is the identical person named in the action. I also declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service including service fees is true and correct.



Subscribed and Sworn to before me on the 9th day of March, 2002 by the affiant who is personally known to me.

Eric Mathews  
NOTARY PUBLIC

Michael J. Long  
Process Server

**ROGUE LEGAL PROCESS**  
P.O. Box 1681  
Grants Pass, OR 97528  
(541) 479-3053

Our Job Serial Number: 2002000880  
Ref: 2002000955  
Service Fee: \_\_\_\_\_

ON

## TRUSTEE'S NOTICE OF SALE

20703



Reference is made to that certain trust deed made by Ernst Brothers, LLC

Neal Buchanan, as grantor, to  
 Howard Charles Hassett 1994 Trust UTD 9/27/94 & Mary Ann Hassett 1994, as trustee,  
 in favor of Trust UTD 9/27/94, as beneficiary,  
 dated January 26, 1994, recorded April 24, 1994 in the mortgage records of  
 Klamath County, Oregon, in book no. 100 at page 13954  
 as trustee/instrument/microfilm/record (indicate which), covering the following described real  
 property situated in said county and state, to-wit: SEE EXHIBIT "A" ATTACHED HERETO

\*\*By Assignment of Trust Deed, Assignment of Rents, Security Agreement and Fixture Filing, the Beneficiary's interest in the above described Trust Deed was assigned to Patrick G. Huycke, Trustee of the Huycke, Boyd & Maulding, LLP 401K Profit Sharing Plan, fbo Patrick G. Huycke. The assignment is dated December 27, 2001 and was recorded December 27, 2001, in Vol. M01 at Page 637 of the Microfilm Records of Klamath County, 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:

Failure to pay installments of principal and interest due on the 26th day of each month in the amount of \$5,002.48 for the months of September, October, November and December, 2001, and January, 2002, total now due \$25,012.40; failure to pay real property taxes for the 2000-2001 and 2001-2002 real property tax fiscal years, total now due \$16,142.86, plus interest.

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:

\$544,724.62, plus accrued interest owing to January 25, 2002, in the amount of \$12,652.67, plus interest on the unpaid principal balance thereafter at the rate of 9% per annum, until paid.

WHEREFORE, notice hereby is given that the undersigned trustee will on July 15, 2002, at the hour of 11 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at the front entrance of the 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.

DATED February 20, 2002

Successor Trustee

State of Oregon, County of Jackson ss:

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Attorney for said Trustee

If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of party to be served.

SERVE:

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

**PARCEL 1:**

The following described real property situated in Klamath County, Oregon:

A piece or parcel of land situated in the NE 1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon and more particularly described as follows:

Beginning at an iron pipe which is South 0 degrees 06' West 323.4 feet and North 89 degrees 49' West 234.2 feet from the NE Section Corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon which point of beginning is also the NE corner of that certain tract of land conveyed to Elmer W. and Flora M. Zigler on page 238 Deed Volume 278 of the records of Klamath County, Oregon; thence North 89 degrees 49' West along the Northerly boundary of said tract of land conveyed on page 238 Deed Volume 278, a distance of 334.8 feet to an iron pipe set at its intersection with a line which is parallel to and 192.77 feet Northeasterly of, when measured at right angles to, the Northeasterly right of way line of the Dalles-California Highway (No. US97) as the same is now located across said Section 19; thence North 38 degrees 52' West parallel to and 192.77 feet distant from said Northeasterly highway right of way line a distance of 147.25 feet to an iron pipe; thence South 89 degrees 49' East a distance of 427.3 feet to an iron pipe; thence South 0 degrees 06' West a distance of 114.35 feet more or less, to the point of beginning.

**PARCEL 2**

Beginning at a point which is South 0 degrees 06' West a distant 477.4 feet and North 89 degrees 49' West a distance of 234.2 feet from the Northeast corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence North 0 degrees 06' East a distance of 154 feet to a point; thence North 89 degrees 49' West a distance of 336 feet, more or less, to a point on a line which is parallel to and distant 192.77 feet at right angles from the Northeasterly right of way line of the Dalles-California Highway; thence South 38 degrees 52' East a distance of 200 feet, more or less, to a point which is North 0 degrees 06' East a distance of 211.1 feet from the North line of Byrd Avenue in Chelsea Addition; thence South 89 degrees 49' East a distance of 210.2 feet to the place of beginning, being in the NE 1/4 NE 1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL 3**

All that portion of the NE 1/4 NE 1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a section corner common to Sections 17, 18, 19, and 20, said Township and Range; thence South 0 degrees 06' West along the East line of said Section 19, a distance of 388.5 feet to a point; thence North 89 degrees 49' West a distance of 174.2 feet to a point; thence South 0 degrees 06' West a distance of 300.0 feet to a point on the North line of Byrd Avenue; thence West along said North line a distance of 60 feet to a point; thence North 0 degrees 06' East a distance of 479.45 feet to a point; thence North 89 degrees 44' West a distance of 427.3 feet to a point; thence North 38 degrees 46' West a distance of 268.15 feet to a point on the North line of said Section 19; thence South 89 degrees 44' East along said North line a distance of 833.95 feet to the point of beginning.

**PARCEL 3 (continued):**

**EXCEPTING THEREFROM** a tract of land situated in the NE1/4 NE1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the section corner common to Sections 17, 18, 19 and 20, said Township and Range; thence South 0 degrees 06' West along the East line of said Section 19, a distance of 388.5 feet to a point; thence North 89 degrees 49' West a distance of 174.2 feet to a point; thence South 0 degrees 06' West a distance of 89 feet to the True Point of Beginning of this description; thence continuing South 0 degrees 06' West a distance of 211 feet to a point on the North line of Byrd Avenue; thence West along said North line a distance of 60 feet to a point; thence North 0 degrees 06' East a distance of 211 feet to a point; thence South 89 degrees 49' East 60 feet to the point of beginning.

**PARCEL 4**

Beginning at a point on the Northeasterly right of way line of State Highway No. 97 which lies South 0 degrees 06' West along the East section line a distance of 688.5 feet and North 89 degrees 49' West along the North line of Byrd Avenue in Chelsea Addition, a distance of 521.6 feet and North 38 degrees 52' West along the Northeasterly right of way line of State Highway No. 97 (Note: State Highway bearing of this line shows North 39 degrees 7 1/2' West) a distance of 130.55 feet from the iron axle which marks the Northeast corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, running thence; continuing North 38 degrees 52' West along the Northeasterly right of way line of State Highway No. 97, a distance of 250 feet to a point; thence North 51 degrees 08' East a distance of 192.77 feet to a point; thence South 38 degrees 52' East a distance of 250 feet to a point; thence South 51 degrees 08' West a distance of 192.77 feet, more or less to the point of beginning, in the NE 1/4 NE 1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

All inventory, equipment, accounts, contract rights and name associated with the above described real property and products of such personal property shall also be sold pursuant to this Notice of Default and Election to Sell, the beneficiary being granted a security interest in such personal property pursuant to a Security Agreement made by Crescent Oil Group, LLC, an Oregon limited liability company, as assignee of Crescent Oil Company, Inc., dated January 26, 2000.