

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed from Robert Allen Barry

TO

Frank E. Thompson and Dana M. Thompson, Beneficiary

State of Oregon, County of Klamath

Recorded 07/02/2002 8:15 a m.Vol M02, Pg 37825-29

Linda Smith, County Clerk

Fee \$ 41.00 # of Pgs 5

✓ After recording return to:  
✓ MacArthur & Bennett, 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 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:

Robert Allen Barry, P.O. Box 1391, Chiloquin, OR 97624.

Robert Allen Barry, 9537 Marion Avenue, Montclair, CA 91763-2430.

Jennifer L. Barry, 9537 Marion Avenue, Montclair, CA 91763-2430.

Larry Pritchett &amp; Betty Pritchett, 1255 Bronco Lane, Chiloquin, OR 97624.

United Finance, P.O. Box 1763, Klamath Falls, OR 97601.

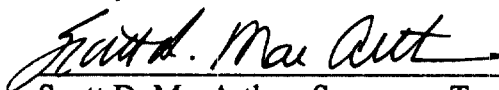
Grover Wilson, P.O. Box 257, Chiloquin, OR 97624.

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 Scott D. MacArthur, attorney 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 Klamath Falls,

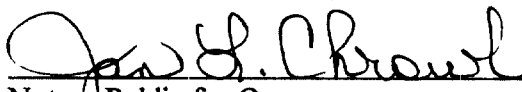
Oregon, on March 5, 2002, With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount 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.



Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 2nd day of July, 2002.



Notary Public for Oregon

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

**CERTIFICATE OF POSTING**

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

**AFFIDAVIT OF POSTING NOTICE OF SALE IN LIEU OF SERVICE**

STATE OF OREGON, County of Klamath) ss.

I, Cale Arritola, being first duly sworn, depose 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 18 years and not the beneficiary or his successor in interest name in the notice of sale given under the terms of that certain trust deed described in said notice.

I posted the Notice of Sale of the real property in the Notice of Sale posting said notice on the premises of:

**NAME:**  
Robert Allen Barry

**ADDRESS:**  
1675 Bronco Lane  
Chiloquin, Oregon 97624

Each of the notices so posted was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; and was posted by me on 3-5-02 11:45 AM. Each of said notices was posted after the Notice of Default and Election to Sell by the trustee was recorded and at least 90 days before the day fixed in said notice by the trustee for the trustee's sale.

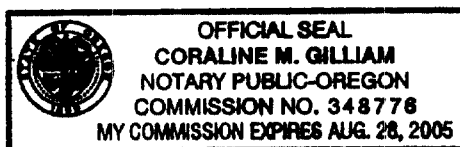
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Subscribed and sworn to before me this 17<sup>th</sup> day of March, 2002.

Coraline M. Gilliam  
Notary Public for Oregon

My Commission Expires: 8.28.05

(S E A L)



# Affidavit of Publication

37828

## 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 # 4811

Notice of Sale/Barry

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:

May 2, 9, 16, 23, 2002

Total Cost: \$850.50

Subscribed and sworn

before me on: May 23, 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 ROBERT ALLEN BARRY, as grantor, to AMERITITLE, INC., as trustee, in favor of FRANK E. THOMPSON and DANA M. THOMPSON as beneficiary, dated October 22, 1999, recorded October 28, 1999, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M99 at page 43205, covering the following described real property situated in said county and state, to-wit:

#### EXHIBIT "A"

The E 1/2 of the following described property: The S 1/2 NE 1/4 of Section 15, Township 34 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, lying South of Woodland Park, EXCEPTING THEREFROM the following described parcels of land:

That portion contained in Contract of Sale recorded December 11, 1975 in Book M75 at page 15639, Microfilm Records of Klamath County, Oregon, and that portion contained in Contract of Sale recorded July 19, 1976 in Book M76 at page 10913, Microfilm Records of Klamath County, Oregon, ALSO EXCEPTING THEREFROM that portion of the following described property lying in the S 1/2 NE 1/4 of Section 15, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County,

Oregon:

Beginning at the Northwest corner of the W 1/2 SW 1/4 NW 1/4 of said Section 14, this corner being the true point of beginning of this description; thence East along the North line of said W 1/2 SW 1/4 NW 1/4 of Section 14 to the Northeast corner of said W 1/2 SW 1/4 NW 1/4 of Section 14; thence South along the East line of said W 1/2 SW 1/4 NW 1/4 of Section 14 a distance of 1158 feet to a point; thence North 60 degrees West 541 feet to a point; thence West 429 feet to a point; thence North 887 feet more or less, to the South line of Woodland Park Subdivision; thence East along said South line of Woodland Park to the true point of beginning.

ALSO EXCEPTING THEREFROM the East 208.71 feet of the South 626.13 feet.

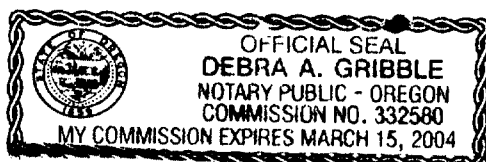
Together with 1974 Fuqua Manufactured Dwelling, License X110104, Serial #S6879XXU.

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 \$600.00 per month from November 2002 through the present. Failure to pay real property taxes for 2001-2002

tax year in the amount of \$375.52, plus interest. Failure to pay manufactured dwelling taxes for 2000-2001 tax year in the amount of \$8.20, plus interest. Failure to pay manufactured dwelling taxes for 2001-2002 tax year in the amount of \$132.61, 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: \$69,218.80 as of October 30, 2001 plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on July 15, 2002 at the hour of 10 AM Standard time, as established by Section 187.110, Oregon Revised Statutes, at 280 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 86.453 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: March 5, 2002. Scott D. MacArthur, Successor Trustee. Phone: (541) 851-0571.  
#4811 May 2, 9, 16, 23, 2002.