

# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON                    )  
Deschutes County                ) ss:

I, Dennis Fennell, being first duly sworn, depose, certify and say: that at all times mentioned herein 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 the deed described in the Notice of Sale.

I gave notice of the sale of the real property described in the attached Notice of Sale by mailing a copy thereof by first class mail and certified mail with return receipt requested to each of the following named persons at their respective last known addresses:

Roy Harris  
PO Box 706  
Pleasant Hill OR 97455

Debra J. Harris  
PO Box 706  
Pleasant Hill OR 97455

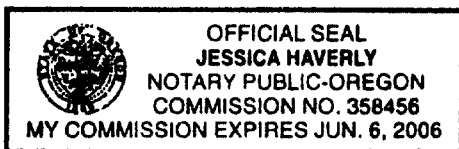
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the beneficiary or trustee has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest 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 pursuant to ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Dennis Fennell; each such copy was contained in a sealed envelope, with postage thereon fully paid, and was deposited by me in the United States Post Office at Bend, Oregon, on May 3, 2002. With respect to each person listed above, one such notice was mailed with postage sufficient for first class delivery to the address indicated, and another such notice was mailed certified with return receipt requested, and postage was prepaid. Each of the notices was mailed after the Notice of Default and Election to Sell described in the Notice of Sale was recorded.

Dated August 5, 2002

**Dennis Fennell**

Subscribed and sworn to before me on August 5, 2002



**Notary Public for Oregon**

# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

**After recording return to:**  
**Dennis Fennell**  
**Attorney at Law**  
**1195 NW Wall Street**  
**Bend OR 97701**

State of Oregon, County of Klamath  
Recorded 08/09/2002 8:51 a.m.  
Vol M02, Pg 44848-52  
Linda Smith, County Clerk  
Fee \$ 41.00 # of Pgs 5

41 ✓

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Deed of Trust I dated June 21, 1995, recorded June 26, 1995, in Book M-95, Page 16605, in the records of Klamath County, Oregon, between Grantor Roy Harris and Debra J. Harris, husband and wife, Trustee Bend Title Company, an Oregon Corporation, and Beneficiary Harold Elliot, concerning the below described real estate:

Lots 9 and 10, Block 2, MAHN'S ACRES, in the County of Klamath, State of 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 ORS 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 amounts due for monthly payments, failure to pay real estate taxes in the amount of \$26,750.

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: \$26,750.

Wherefore, notice is hereby given that the undersigned trustee will at 9:30 a.m. in accord with the standard of time established by ORS 187.110 on September 12, 2002 at the Oregon State Police Station, Gilchrist, Oregon, in accord with the standard of time established by ORS 187.110, 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 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 May 3, 2002

  
Dennis Fennell  
Trustee

State of Oregon  
Deschutes County

I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale.

  
Dennis Fennell,  
Trustee

# Affidavit of Publication

44850

## 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 # 4832

Notice of Sale/Harris

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 10, 17, 24, 31, 2002

Total Cost: \$688.50

Subscribed and sworn

before me on: May 31, 2002

Notary Public of Oregon

My commission expires March 15, 2004

### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Deed of Trust dated June 21, 1995, recorded June 26, 1995, in Book M-95, Page 16605, in the records of Klamath County, Oregon, between Grantor, Roy Harris and Debra J. Harris, husband and wife, Trustee, Bend Title Company, an Oregon Corporation, and Beneficiary, Harold Elliot, concerning the below described real estate: Lots 9 and 10, Block 2, MAHN'S ACRES, in the County of Klamath, State of 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 ORS 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 amounts due for monthly payments, failure to pay real estate taxes in the amount of \$26,750.00.

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: \$26,750.00.

Wherefore, notice is hereby given that the undersigned trustee will at 9:30 AM in accord with the standard of time established by ORS 187.110 on September 12, 2002 at the Oregon State Police Station, Gilchrist,

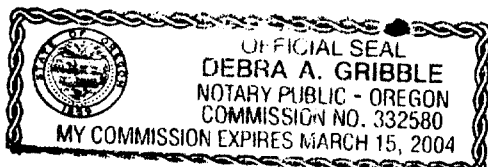
Oregon in accord with the standard of time established by ORS 187.110, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any 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 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 May 3, 2002. Dennis Fennell, Trustee.

Notice Required By The Fair Debt Collection Practices Act, 15 U.S.C. Section 1692.

1. The amount of the debt is stated in the Trustee's Notice of Sale attached hereto. 2. The beneficiary named in the attached Trustee's Notice of Sale is the creditor to whom the debt is owed. 3. The debt described in the Trustee's Notice of Sale attached hereto will be assumed to be valid by the trustee unless the debtor, within thirty (30) days after the receipt of this notice, disputes the validity of the debt or some portion thereof. 4. If the debtor notifies the trustee in writing within thirty (30) days of receipt of this notice that the debt or any portion thereof is disputed, the trustee will provide verification of the debt, and a copy of the verification will be mailed to the debtor by the trustee. 5. If the creditor named as beneficiary in the attached Trustee's Notice of Sale is not the original creditor, and if the debtor makes a written request to the trustee within the thirty (30) days from the receipt of this notice, the



name and address of the original creditor will be mailed to the debtor by the trustee. 6. Written requests or objections should be addressed to Dennis Fennell, Attorney at Law, 1195 NW Wall Street, Bend, Oregon 97701. #4832 May 10, 17, 24, 31, 2002.

## TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON

Deschutes County

I, Dennis Fennell, being first duly sworn, depose and say:

Reference is made to that certain Deed of Trust I dated June 21, 1995, recorded June 26, 1995, in Book M-95, Page 16605, in the records of Klamath County, Oregon, between Grantor Roy Harris and Debra J. Harris, husband and wife, Trustee Bend Title Company, an Oregon Corporation, and Beneficiary Harold Elliot, concerning the below described real estate:

Lots 9 and 10, Block 2, MAHN'S ACRES, in the County of Klamath, State of Oregon.

I hereby certify that on August 5, 2002, the above described real property was not occupied.

The term "trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed first mentioned above.

Dated August 5, 2002

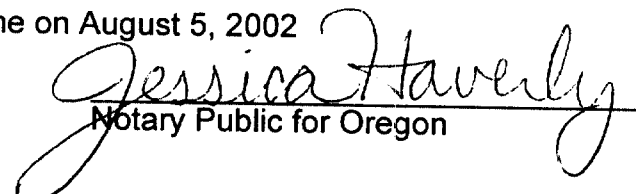
  
Dennis Fennell, Successor Trustee

State of Oregon

Deschutes County

SUBSCRIBED AND SWORN to before me on August 5, 2002



  
Notary Public for Oregon

TRUSTEE'S AFFIDAVIT  
AS TO NON-OCCUPANCY

After recording return to  
Dennis Fennell  
Attorney  
1195 NW Wall Street  
Bend OR 97701