

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE	
RE: Trust Deed from Jack and Lori Nielsen Grantors	
to	
Richard L. Biggs, Esq.	Trustee
AFTER RECORDING RETURN TO	
Richard L. Biggs, Esq. PMB 267 6327-C SW Capitol Highway Portland, OR 97201-1937	

Vol M02 Page 45851

State of Oregon, County of Klamath  
Recorded 08/14/2002 3:14 p. m.  
Vol M02, Pg 45851-55  
Linda Smith, County Clerk  
Fee \$ 41.00 # of Pgs 5

'02 AUG 14 PM3:14

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

STATE OF OREGON, County of Multnomah ) ss:

I, Doris Lemire, 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 Washington, 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:

NAME

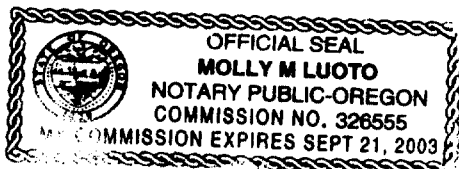
ADDRESS

See attached Exhibit A.

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 Doris Lemire, 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 Vancouver, Washington, on April 17, 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.

Subscribed and sworn to before me on May 2, 2002, by Doris Lemire..



Molly M Luoto  
Notary Public for Oregon.  
My commission expires 9-21-03

Jack F. Nielsen  
1035 Applewood  
Klamath Falls, OR 97603

Lori Nielsen  
1035 Applewood  
Klamath Falls, OR 97603

Jack F. Nielsen  
1600 Joe Wright Road  
Klamath Falls, OR 97603

Lori Nielsen  
1600 Joe Wright Road  
Klamath Falls, OR 97603

Occupants  
1035 Applewood  
Klamath Falls, OR 97603

Michael Spencer  
Attorney at Law  
419 Main Street  
Klamath Falls, OR 97601

Associates Financial Services Company of Inc.  
Reg Agent: The Prentice Hall Corporation Systems  
285 Liberty NE  
Salem, OR 97301

Michael Ratliff  
905 Main Street #200  
Klamath Falls, OR 97601

Kay Ratliff  
c/o Michael Ratliff  
905 Main Street #200  
Klamath Falls, OR 97601

Carter-Jones Collection LLC  
RA: Kent Penderson  
1143 Pine Street  
Klamath Falls, OR 97603

Southern Oregon Credit Service, Inc.  
RA: Linda Collins  
PO Box 4708  
Medford, OR 97501

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by, Jack F. Nielsen and Lori Nielsen, as tenants by the entirety, as grantors to Aspen Title & Escrow, as trustee, in favor of Associates Financial Services Company of Oregon, Inc. (a division of CitiFinancial, Inc.), as beneficiary, dated June 9, 2000, recorded June 12, 2000, in the mortgage records of Klamath County, Oregon, as Volume M00, page 21140, covering the following described real property situated in the above-mentioned county and state, to-wit:

Lot 72, MERRYMAN'S REPLAT of Old Orchard Manor, according to the official plat there of on file in the office of the County Clerk of Klamath County, Oregon.

*(The title company advises the property address is 1035 Applewood, Klamath Falls, Oregon 97603)*

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: Monthly payments for October 2001 through April 2002, in the total amount of \$5,062.12, plus real property taxes for 2000-2001 in the amount of \$820.43 plus interest and that portion of real property taxes now due for 2001-2002.

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: As of September 10, 2001, the principal sum of \$70,394.81 plus interest thereafter; plus any sums advanced by the beneficiary or beneficiary's successor in interest for the protection of the above-described property, plus attorney and trustee's fees incurred by reason of said default.

WHEREFORE, notice hereby is given that the undersigned trustee will on **August 23, 2002, at the hour of 11:00 a.m.**, in accord with the standard of time established by ORS 187.110, at **Klamath County Courthouse, 316 Main Street, 2<sup>nd</sup> floor, 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. The Federal Fair Debt Collection Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.

DATED April 9, 2002

  
Richard L. Biggs, Successor Trustee  
FOR ADDITIONAL INFORMATION CALL (503) 227-6922

State of Oregon, County of Multnomah) ss: I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale.

\_\_\_\_\_  
For said Trustee

45854

Nielson

**AFFIDAVIT OF NON-OCCUPANCY**

STATE OF OREGON       )  
                                  ) ss.  
County of Klamath       )

I, Ed Foreman, being first duly sworn, depose and say:

That I am, and have been at all material times hereto, a competent person over the age of eighteen years and a resident of Klamath County, State of Oregon. I am not a party to, an attorney in, or interested in any suit of action involving the property described below.

That on the 22<sup>nd</sup> day of April, 2002, after personal inspection, I found the following described real property to be unoccupied:

Lot 72, Merryman's Replat of Old Orchard Manor, according to the official plat there of on file in the office of the County Clerk of Klamath County, Oregon.

Commonly known as:       1035 Applewood  
                                  Klamath Falls, Oregon 97603

I declare under the penalty of perjury that the above statements are true and correct.

  
Ed Foreman                               244955

SUBSCRIBED AND SWORN to before me this 23 day of April, 2002, by Ed Foreman.

  
Notary Public for Oregon



# Affidavit of Publication

45855

## 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 # 4954

Notice of Sale/Nielsen

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:  
June 13, 20, 27, July 4, 2002.

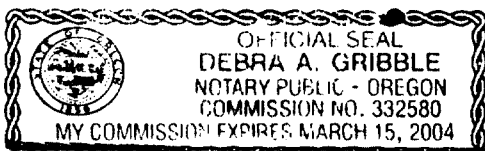
Total Cost: \$661.50

*Larry L. Wells*  
Subscribed and sworn

before me on: July 4, 2002

*Debra A. Gribble*  
Notary Public of Oregon

My commission expires March 15, 2004



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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: Monthly payments for October 2001 through April 2002, in the total amount of \$5,062.12, plus real property taxes for 2000-2001 in the amount of \$820.43 plus interest and that portion of real

property taxes now due for 2001-2002.

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: As of September 10, 2001 the principal sum of \$70,899.81 plus interest thereafter; plus any sums advanced by the beneficiary or beneficiary's successor in interest for the protection of the above-described property, plus attorney and trustee's fees incurred by reason of said default.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 23, 2002 at the hour of 11:00 Am in accord with the standard of time established by ORS 187.110 at Klamath County Courthouse, 316 Main Street, 2nd floor 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 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. The Federal Fair Debt Collection Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.

Dated April 9, 2002.  
Richard L. Biggs, Successor Trustee.  
For additional information call (503) 227-6922, 6327-C SW Capitol Hwy., Portland, OR 97201-1937.  
#4954 June 13, 20, 27, July 4, 2002.