

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed from  
Carolle B. Williams and Patricia L. Baxter**

TO

Robert E. Harris and Jacqueline S. Harris, Beneficiary

State of Oregon, County of Klamath  
Recorded 09/18/2002 10:41 a m.  
Vol M02, Pg 53144-47  
Linda Smith, County Clerk  
Fee \$ 36<sup>00</sup> # of Pgs 4

OC 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:

Patricia L. Baxter, 30980 Transformer Road, Malin, OR 97603.

Southern Oregon Credit Service, 841 Stewart Avenue, Suite 11, Medford, OR 97501.

South Valley State Bank, P.O. Box 5211, Klamath Falls, OR 97601.

Lorena Wellington, P.R., Estate of Gertrude Violet Hogg, C/O Neal Buchanan, Attorney at Law, 435 Oak Street, Klamath Falls, OR 97601.

State of Oregon, County of Klamath, Klamath County tax Collector, P.O. Box 340, Klamath Falls, OR 97601.

Oregon Department of Revenue, Attn. Elizabeth Harchenko, 955 Center Street NE, Salem, OR 97301.

Oregon Department of Justice, Attn. Tax Section, 1162 Court Street NE, Salem, OR 97301.


Shasta View Irrigation District, P.O. Box 46, Malin, OR 97632.

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

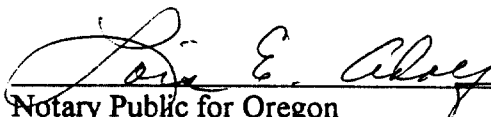
deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

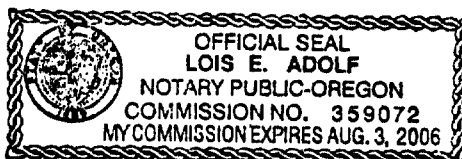
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on May 23, 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 18<sup>th</sup> day of September, 2002.

  
Notary Public for Oregon  
My commission expires \_\_\_\_\_



CERTIFICATE OF POSTING

53146

After Recording return to:  
Scott D. MacArthur, 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, Angie Erickson, 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:**

Patricia L. Baxter

**ADDRESS:**

30980 Transformer Road  
Malin, Oregon 97632

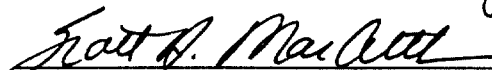
Each of the notices so posted was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; and was posted by me on 23 May 02. Each of said notices was posted after the Notice of Default and Election to Sell by the trustee was recorded 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 23rd day of May, 2002.



  
Notary Public for Oregon  
My Commission Expires: 1/14/2006

**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 # 5058

Notice of Sale/Williams-Baxter

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:

July 23, 30, August 6, 13, 2002

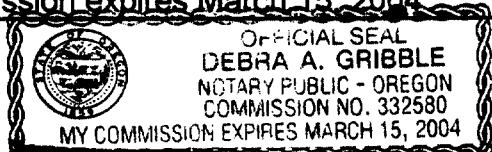
Total Cost: \$648.00

Subscribed and sworn

before me on: August 13, 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 CAROLLE B. WILLIAMS and PATRICIA L. BAXTER, with the rights of survivorship, as grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as trustee, in favor of ROBERT E. HARRIS and JACQUELINE S. HARRIS, husband and wife with the rights of survivorship, as beneficiary, dated May 12, 1995, recorded May 17, 1995 in the mortgage records of Klamath County, Oregon in book/reel/volume Nd. M95 at page 12784, covering the following described real property situated in said county and state, to-wit: That portion of the NW 1/4 SE 1/4 of Section 4, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, lying east of the Malin Irrigation District lateral, said lateral described as follows: Beginning 904 feet East of the Northwest corner of NW 1/4 SE 1/4 of Section 4; thence South 25 degrees East 356 feet; South 3 degrees 45' East 424 feet; South 40 degrees East 441 feet.

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 \$1,141.56 per month from December 2001 through the present. Failure to make payment of Irrigation Fees for Shasta View Irrigation District in the sum of \$2,135.00. 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, to-wit: \$100,240.05 as of November 11, 2001 plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on September 30, 2002 at the hour of 10:00 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 86.753 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: July 17, 2002. Scott D. MacArthur, Successor Trustee. #5058 July 23, 30, August 6, 13, 2002.