

AFTER RECORDING RETURN TO:  
Shapiro & Kreisman  
201 NE Park Plaza Drive, #150  
Vancouver, WA 98684  
02-15476

State of Oregon, County of Klamath  
Recorded 09/24/2002                      m.  
Vol M02, Pg 54201-09  
Linda Smith, County Clerk  
Fee \$ 61.00 # of Pgs 9

## OREGON AFFIDAVIT OF MAILING OF NOTICE OF SALE

I, Kelly D. Sutherland, say and certify that:

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 the successor in interest named in the Trust Deed described in the attached Notice of Sale.

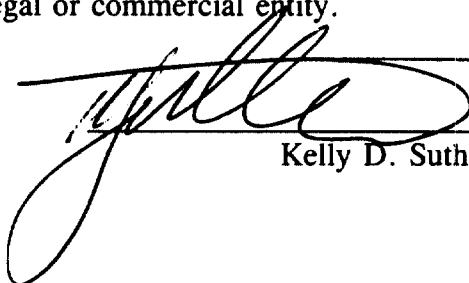
I have given notice of sale of the real property described in the attached Notice of Sale by mailing a copy of the notice by registered or certified mail, return receipt requested, and first class mail to each of the following named persons at their last known addresses, to-wit:

Stephen L. Barbour  
HC 76 Box 966  
nka 152269 Wagon Trail Road  
La Pine, OR 97739-9369

The persons mailed to include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or whose interest the trustee or the beneficiary has actual notice and any person requesting notice as provided in ORS 86.785 and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by Kelly D. Sutherland, Shapiro & Kreisman, the trustee named in said notice; each copy was mailed in a sealed envelope, with postage prepaid, and was deposited by me in the United States post office at Vancouver, Washington, on July 1, 2002. Each notice was mailed after the date that the Notice of Default and Election to Sell described in said Notice of Sale was recorded which was at least 120 days before the day of the trustee sale.

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

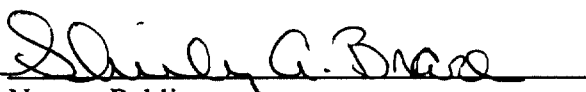
  
\_\_\_\_\_  
Kelly D. Sutherland

State of Washington )

County of Clark )

On this 1<sup>st</sup> day of July, in the year 2002, before me the undersigned, a Notary Public in and for said County and State, personally appeared Kelly D. Sutherland personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.

Witness my hand and official seal

  
\_\_\_\_\_  
Notary Public

My Commission Expires 5/29/05

Lender Loan #: 8014639465



02-15476

## TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Stephen L. Barbour, an unmarried man, as grantor, to First American Title Insurance Company of Oregon, as Trustee, in favor of Fleet Mortgage Corp., as Beneficiary, dated June 4, 1996, recorded June 12, 1996, in the mortgage records of Klamath County, Oregon, in Volume M96, at Page 17427, beneficial interest now held by Washington Mutual Bank, FA, successor in interest by merger to Washington Mutual Home Loans, Inc., successor in interest by merger to Fleet Mortgage Corp., covering the following described real property:

Lot 10 in Block 8 of Second Addition to WAGON TRAIL RANCH ACREAGES NO. 1, according to the official plat thereof on file in the office of the County of Klamath County, Oregon.

**COMMONLY KNOWN AS:** HC 76, Box 955  
nka 152269 Wagon Trail Road  
La Pine, OR 97739

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 in the sum of \$743.23 from February 1, 2002, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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 sum being the following, to-wit:

\$80,363.86, together with interest thereon at the rate of 8.50000% per annum from January 1, 2002, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 30, 2002, at the hour of 11:00 AM, in accord with the standard time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 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 has or had power to convey at the time of the execution of said trust deed, together with any interest which the grantor or his 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,

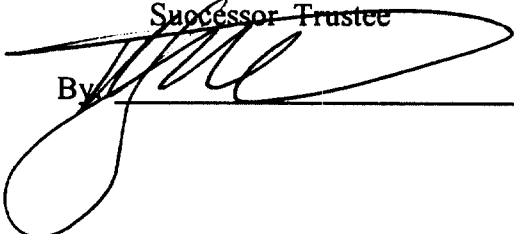
to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligations 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 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.

Also, please be advised that pursuant to the terms stated on the Deed of Trust and Note, the beneficiary is allowed to conduct property inspections while property is in default. This shall serve as notice that the beneficiary shall be conducting property inspections on the said referenced property.

The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

Dated 6/21/02

KELLY D. SUTHERLAND  
Successor Trustee  
By 

State of Washington, County of Clark, ss:

I, the undersigned certify that the foregoing instrument is a complete and exact copy of the original Trustee's Notice of Sale

\_\_\_\_\_  
SHAPIRO & KREISMAN  
201 NE Park Plaza Drive, #150  
Vancouver, WA 98684  
(360) 260-2253

Lender Loan #: 8014639465

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

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

Beneficiary:  
**FLEET MORTGAGE CORPORATION,**

vs.

Grantor:  
**STEPHEN L. BARBOUR,**

For:  
Kelly Sutherland  
Shapiro & Kreisman  
201 N.E. Park Plaza Dr.  
Suite 150  
Vancouver, WA 98684

Received by Capitol Investigation Company (Bend) on the 25th day of June, 2002 at 3:04 pm to be served on OCCUPANT(S), HC 76/Box 955 nka 152269 Wagon Trail Road, La Pine OR 97739.

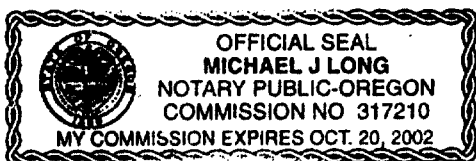
I, Eric Mathews, being duly sworn, depose and say that on the 8th day of July, 2002 at 7:43 pm, I:

Did **PERSONALLY SERVE** true copies of the within **TRUSTEE'S NOTICE OF SALE** by delivering said copies personally and in person, to VICKIE BARBOUR at the aforementioned address and at the same time I did **SUBSTITUTE SERVE** STEPHEN L. BARBOUR and ALL OTHER OCCUPANT(S) by delivering a true copy to the above named, and informing said person of the contents thereof. Said person is 14 years of age or older, and is a co-occupant of the dwelling house or usual place of abode.

**CERTIFICATE OF MAILING:** I hereby certify that on July 9, 2002 I did cause to be **MAILED**, a copy of the aforementioned documents together with this statement of the date, time, place and person to which **SUBSTITUTED SERVICE** was made at the above address.

(If mailed by other than server : \_\_\_\_\_)

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 10th day of July, 2002 by the affiant who is personally known to me.

  
NOTARY PUBLIC

  
Eric Mathews  
Process Server

Capitol Investigation Company (Bend)  
P.O. Box 3225  
Portland, OR 97208  
(503) 284-8888

Our Job Serial Number: 2002002234  
Ref: 02-19736-M  
Service Fee: \$25

# Affidavit of Publication

54206

## 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 # 5072

Notice of Sale/Barbour

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:

August 7, 14, 21, 28, 2002

Total Cost: \$796.50

Subscribed and sworn

before me on: August 28, 2002

Notary Public of Oregon

My commission expires March 15, 2004

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2002, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

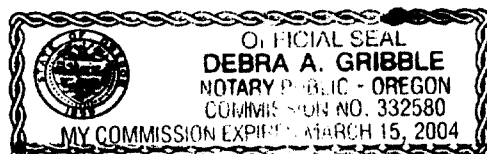
By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust immediately due and payable, said sum being the following, to-wit: \$80,363.86, together with interest thereon at the rate of 8.50000% per annum from January 1, 2002, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 30, 2002, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 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 has or had power to convey at the time of the execution of said trust deed, together with any interest which the grantor or his 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. No-

fice 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 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 obligations 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.

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fault. This shall serve as notice that the beneficiary shall be conducting property inspections on the said referenced property.

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Dated: June 21, 2002. By Kelly D. Sutherland, Successor Trustee, State of Washington, County of Clark, ss:

I, the undersigned certify that the foregoing instrument is a complete and exact copy of the original Trustee's Notice of Sale. Shipiro & Kreisman, 201 NE Park Plaza Drive, #150, Vancouver, WA 98684, (360) 260-2253. Lender Loan #: 8014639465. #5072 August 7, 14, 21, 28, 2002.





STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF CLARK )

On this 19<sup>th</sup> day of September, 2002, before me the undersigned a Notary Public appeared Lynnette S. Allen, personally known to me or proved to me on the basis of satisfactory evidence to be the Vice President and Asst. Secretary of the corporation that executed the within instrument, also known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal, the date first hereinabove written.

Shirley A. Brase

Notary Public for State indicated above  
My commission expires: 5/29/05

Loan #: 8014639465

