

02 OCT 10 AM 11:11

Vol M02 Page 57948

RECORDING COVER SHEET  
FOR NOTICE OF SALE PROOF  
OF COMPLIANCE, PER ORS 205.234  
THIS COVER SHEET HAS BEEN PREPARED BY THE  
PERSON PRESENTING THE ATTACHED INSTRUMENT FOR  
RECORDING. ANY ERRORS IN THIS COVER SHEET  
DO NOT AFFECT THE TRANSACTION(S) CONTAINED  
IN THE INSTRUMENT ITSELF.

State of Oregon, County of Klamath  
Recorded 10/10/2002 11:11 a. m.  
Vol M02, Pg 57948-54  
Linda Smith, County Clerk  
Fee \$ 61<sup>00</sup> # of Pgs 7

**AFTER RECORDING RETURN TO:**

Robert A. Smejkal, Attorney  
PO Box 654  
Eugene, OR 97401

**ORDER # K58867**

**MARK NAME(S) OF ALL THE TRANSACTIONS described in the attached instrument. Fill in the Original Grantor on the Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.**

**X** **AFFIDAVIT OF MAILING NOTICE OF SALE** (must have  
Trustee's Notice of Sale attached)

**X** **AFFIDAVIT OF PUBLICATION OF NOTICE OF SALE**

**X** **PROOF OF SERVICE**

**Original Grantor on Trust Deed:** Bran e. Mart and Diane M. Mart

**Beneficiary:** Sterling Trust Company FBO george J. Gilchrist

K51  
+10  
61

After recording, return to:  
 ROBERT A. SMEJKAL, Attorney  
 PO Box 654  
 Eugene, OR 97440

**Re Trust Deed from Grantors:**  
 BRAD E. MART & DIANE M. MART  
 488 Pinto Way  
 Eugene, OR 97401

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

STATE OF OREGON, County of Lane ) ss.

I, ROBERT A. SMEJKAL, being first duly sworn, depose and say that:

At all times hereinafter mentioned, I was and am a resident of the State of Oregon, a competent person over the age of eighteen years, and not the Beneficiaries or the Beneficiaries' successor in interest named in the attached original Trustee's Notice of Sale given under the terms of that certain Deed described in the Trustee's Notice of Sale.

I gave notice of the sale of the real property described in the attached Trustee's Notice of Sale by mailing copies thereof by both first class and certified mail, with return receipt requested, to each of the following persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

Name	Address
BRAD E. MART	488 Pinto Way, Eugene, OR 97401
DIANE M. MART	488 Pinto Way, Eugene, OR 97401

These persons include: (a) the Grantors in the Deed of Trust; (b) any successor in interest to the Grantors whose interest appears of record or of whose interest the Trustee or the Beneficiaries has actual notice; (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the Deed of Trust, if the lien or interest appears of record or the Beneficiaries have actual notice of the lien or interest; and (d) any person requesting notice as set forth in ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original Trustee's Notice of Sale by ROBERT A. SMEJKAL, Attorney for the Trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Eugene, Oregon, on June 12, 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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the Trustee's Notice of Sale was recorded.

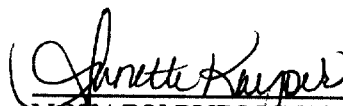
As used herein, the singular includes the plural, "Trustee" includes a successor trustee, and "person" includes a corporation and any other legal or commercial entity.

  
 ROBERT A. SMEJKAL

STATE OF OREGON, County of Lane ) ss.

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of June, 2002, by ROBERT A. SMEJKAL.



  
 NOTARY PUBLIC FOR OREGON  
 My Commission Expires: 3/19/03

**57950**

Court Case No.  
Sheriff's Case No. 02-01811

I hereby certify that I received for service  
the within:



**TRUSTEE'S NOTICE OF SALE**

The Successor Trustee, under the terms of the Deed of Trust described herein, at the direction of the Beneficiary, hereby elects to sell the property described in said Deed of Trust to satisfy the obligations secured thereby.

**A. PARTIES TO THE DEED OF TRUST:**

Grantors: BRAD E. MART and DIANE M. MART  
Trustee: FIRST AMERICAN TITLE COMPANY  
Beneficiary: STERLING TRUST COMPANY FBO GEORGE J. GILCHRIST

**B. DESCRIPTION OF THE PROPERTY:**

"Lot 19 in Block 12 of Tract 1042, Two Rivers North, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon."

**C. DEED OF TRUST INFORMATION:**

Dated: March 3, 2000  
Recording Date: March 6, 2000  
Volume/Page No.: Volume M00, Page 7057  
Recording Place: Official Records of Klamath County, Oregon.

**D. DEFAULT:** The Debtor is in default and the Beneficiary elects to foreclose the Deed of Trust for failure to pay: (1) the entire balance of the Promissory Note which became due in full March 6, 2002; and (2) real property taxes for 2000-2001 in the amount of \$341.48, plus interest, and 2001-2002 in the amount of \$399.17, plus interest.

**E. AMOUNT DUE:** By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Deed of Trust immediately due and payable, those sums being the following: The principal amount of \$36,961.18, plus accrued interest as of April 2, 2002, in the amount of \$384.62, plus interest on the principal amount at the rate of 20% per annum from April 3, 2002, until paid; plus late fees, attorney fees and foreclosure costs and amounts, if any, advanced by the Beneficiary pursuant to the terms of the Deed of Trust and/or applicable law.

**F. ELECTION TO SELL:** NOTICE IS HEREBY GIVEN that the Beneficiary and Successor Trustee, by reason of said default, have elected and do hereby elect to foreclose said Deed of Trust by advertisement and sale pursuant to Oregon Revised Statutes §86.705 et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in said described property which Grantors had, or had the power to convey, at the time of the execution of the Deed of Trust, together with any interest the Debtor or successor in interest acquired after the execution of the Deed of Trust, to satisfy the obligations secured by said Deed of Trust together with the expenses of sale, including the compensation of the Successor Trustee as provided by law, and the reasonable fees of Successor Trustee's attorney.

**G. DATE, TIME AND PLACE OF SALE:**

Date and Time: October 29, 2002, at 1:30 p.m.  
Place: Inside the front entrance of the Klamath County Courthouse,  
316 Main Street, Klamath Falls, Oregon

**H. RIGHT TO REINSTATE:** NOTICE IS FURTHER GIVEN that at any time prior to five (5) days before the sale, this foreclosure proceeding may be dismissed and the Deed of Trust reinstated by payment to the Successor Trustee of the entire amount then due (other than a 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 Deed of Trust, and in addition to paying said sums or by tendering the performance necessary to cure the default, by

paying all costs and expenses to the Successor Trustee actually incurred by Beneficiary and Successor Trustee in enforcing the obligation and Deed of Trust, together with the Successor Trustee's fees and attorney's fees.

- I. **NOTICE:** The Federal Fair Debt Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.
- J. **MISCELLANEOUS:** In construing this Notice, the singular includes the plural, the word "Grantors" includes any successor in interest to the Grantors as well as any other person owing an obligation, the performance of which is secured by the Deed of Trust, and the words "Trustee," "Successor Trustee" and "Beneficiary" include their respective successors in interest, if any.

**DATED** this 12<sup>th</sup> day of June, 2002.

  
 \_\_\_\_\_  
 ROBERT A. SMEJKAL, Successor Trustee

STATE OF OREGON, County of Lane ) ss.

I, the undersigned, certify that I am the attorney, or one of the attorneys, for the above named Successor Trustee, and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.

\_\_\_\_\_  
 Attorney for said Successor Trustee

# Affidavit of Publication

57953

## 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 # 5141

Notice of Sale/Mart

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:  
September 1, 8, 15, 22, 2002

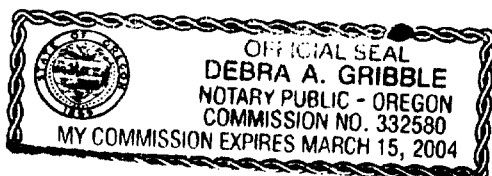
Total Cost: \$715.50

Subscribed and sworn

before me on: September 22, 2002

Notary Public of Oregon

My commission expires March 15, 2004



<p><b>TRUSTEE'S NOTICE OF SALE</b></p> <p>The Successor Trustee, under the terms of the Deed of Trust described herein, at the direction of the Beneficiary, hereby elects to sell the property described in said Deed of Trust to satisfy the obligations secured thereby.</p> <p><b>A. PARTIES TO THE DEED OF TRUST:</b> Grantors: BRAD E. MART and DIANE M. MART; Trustee: FIRST AMERICAN TITLE COMPANY; Beneficiary: STERLING TRUST COMPANY FBO GEORGE J. GILCHRIST.</p> <p><b>B. DESCRIPTION OF THE PROPERTY:</b> "Lot 19 in Block 12 of Tract 1042, Two Rivers North, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon."</p> <p><b>C. DEED OF TRUST INFORMATION:</b> Dated: March 3, 2000; Recording Date: March 6, 2000; Volume/Page No.: Volume M00, Page 7057; Recording Place: Official Records of Klamath County, Oregon.</p> <p><b>D. DEFAULT:</b> The Debtor is in default, and the Beneficiary elects to foreclose the Deed of Trust for failure to pay: (1) the entire balance of the Promissory Note which became due in full March 6, 2002; and (2) real property taxes for 2000-2001 in the amount of \$341.48, plus interest, and 2001-2002 in the amount of \$399.17, plus interest.</p> <p><b>E. AMOUNT DUE:</b> By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Deed of Trust immediately due and payable, those sums being the following: The principal amount of \$6,961.18, plus accrued interest as of April 2, 2002, in the amount of \$384.62, plus interest on the principal amount at the rate of 20% per annum from April 3, 2002, until paid, plus fees and foreclosure costs and amounts, if any, advanced by the Beneficiary pursuant to the terms of the Deed of Trust and/or applicable law.</p> <p><b>F. ELECTION TO SELL: NOTICE IS HEREBY GIVEN</b> that the Beneficiary and Successor Trustee, by reason of said default, have elected and do hereby elect to foreclose said Deed of Trust by advertisement and sale pursuant to Oregon Revised Statutes 86.705 et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in said described property which Grantors had, or had the power to convey, at the time of the execution of the Deed of Trust, together with any interest the Debtor or successor in interest acquired after the execution of the Deed of Trust, to satisfy the obligations secured by said Deed of Trust together with the expenses of sale, including the compensation of the Successor Trustee as provided by law, and the reasonable fees of Successor Trustee's attorney.</p>	<p><b>G. DATE, TIME AND PLACE OF SALE:</b> Date and Time: October 29, 2002 at 1:30 PM. Place: Inside the front entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon.</p> <p><b>H. RIGHT TO REINSTATE: NOTICE IS FURTHER GIVEN</b> that at any time prior to five (5) days before the sale, this foreclosure proceeding may be dismissed and the Deed of Trust reinstated by payment to the Successor Trustee of the entire amount then due (other than a 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 of the Deed of Trust; and in addition to paying said sums or by tendering the performance necessary to cure the default, by paying all costs and expenses to the Successor Trustee actually incurred by Beneficiary and Successor Trustee in enforcing the obligation and Deed of Trust, together with the Successor Trustee's fees and attorney's fees.</p> <p><b>I. NOTICE:</b> The Federal Fair Debt Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.</p> <p><b>J. MISCELLANEOUS:</b> In construing this Notice, the singular includes the plural, the word "Grantors" includes any successor in interest to the Grantors.</p>
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to, as well as any  
other person owing  
a obligation, the  
performance of  
which is secured by  
the Debt of Trust,  
and the words  
"Trustee, Successor  
Trustee" and  
"Beneficiary" in  
connection with  
the successors in  
trust, if any.  
DATED this 12th  
day of June, 2002.  
[Signature] SAME  
[Signature]  
#511 September 1,  
8, 22, 2002.