

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

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed from  
Michael A. McGraw**

**TO**

**Vol** M02 **Page** 69732

**Harry Aldridge and Audrey Aldridge, Trustees, Beneficiary**

**State of Oregon, County of Klamath**  
Recorded 12/02/2002 2:25 p m.  
Vol M02, Pg 69732-36  
Linda Smith, County Clerk  
Fee \$ 4.00 # of Pgs 5

dc' 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:**

**Michael A. McGraw, P.O. Box 5277, Klamath Falls, OR 97601.**

**Michael A. McGraw, 3640 Onyx Drive, Klamath Falls, OR 97603.**

**Merle E. McGraw, 1147 Hammel Road, Eagle Point, OR 97524.**

**Brent Budden, P.O. Box 5277, Klamath Falls, OR 97601.**

**Elizabeth Chudoba, 934 Pacific Terrace, Klamath Falls, OR 97601.**

**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 July 26, 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**

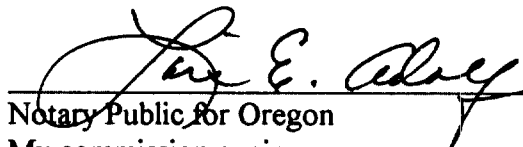
proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

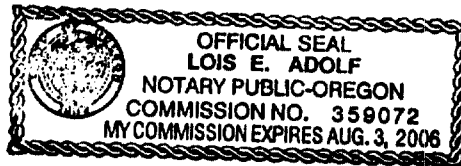
69733

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 2<sup>d</sup> day of December, 2002.

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



## RETURN OF SERVICE

STATE OF OREGON )  
 ) ss.  
County of Klamath )

Court Case No. \_\_\_\_\_

Case No. \_\_\_\_\_

I hereby certify that I received on \_\_\_\_\_ the within:

( ) Summons & Complaint ( ) Summons & Petition ( ) Summons (X) Notice

( ) Order of Appearance ( ) Waiver of Fees ( ) Petition ( ) Motion  
( ) Show Cause Order ( ) Affidavit ( ) Complaint ( ) Order

( ) Writ of Garnishment ( ) Restraining Order ( ) Citation ( ) Subpoena

( ) Small Claim

( ) Notice of Default & Election to sell Trust Deed From Michael A. McGraw  
Harry Aldridge & Audrey Aldridge,  
Trustees, Beneficiary

for service on the within named: Michael A. McGraw

(X) SERVED Michael A. McGraw at 3640 Onyx Ave. personally and in person.

( ) SUBSTITUTE SERVICE - By leaving a true copy with \_\_\_\_\_

a person over the age of fourteen years, who resides at the place of abode of the within named, at said abode: \_\_\_\_\_

( ) OFFICE SERVICE - By leaving a true copy with \_\_\_\_\_

the person in charge of the office maintained for the conduct of business by \_\_\_\_\_

( ) By leaving a true copy with \_\_\_\_\_ of said corporation.

( ) OTHER METHOD \_\_\_\_\_

( ) NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find the within named: \_\_\_\_\_

\_\_\_\_\_ within Klamath County.

All search and service was made within Klamath County, State of Oregon.

DATE AND TIME OF SERVICE, ~~OR NOT FOUND~~: 7-26-02 9:25 AM

SERVICE FEES FOR THIS SERVICE ARE: \$ 25.00 plus \_\_\_\_\_ miles at \$.30/mile for a total amount due of \$ \_\_\_\_\_.

ARRITOLA INVESTIGATIONS

By \_\_\_\_\_

Cale Arritola

# Affidavit of Publication

69735

## 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 # 5236

Notice of Sale/McGraw

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:

October 9, 16, 23, 30, 2002

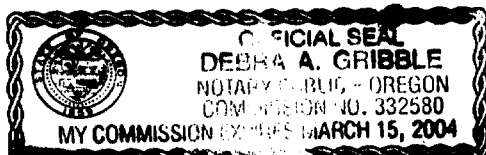
Total Cost: \$756.00

*Larry L. Wells*  
Subscribed and sworn

before me on: October 30, 2002

*Debra A. Gribble*  
Notary Public of Oregon

My commission expires March 15, 2004



### AMENDED NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by MICHAEL A. McGRAW, Successor in Interest to EWAUNA ROWING CLUB, INC., an Oregon non-profit Corporation, which has been released from all liability, as grantor, to AMERITITLE INC., as trustee, in favor of HARRY ALDRIDGE and AUDREY TRUSTEES OF THE ALDRIDGE FAMILY TRUST, as beneficiaries, dated May 14, 1996, recorded June 17, 1996, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M96, at page 17098, as assigned to MICHAEL McGRAW, by instrument dated September 26, 1997, recorded September 30, 1997, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M97, at page 31885, covering the following described real property situated in said county and state, to-wit: That portion of Lots 19 and 20 in Block 8 of ALTA-MONT ACRES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows: Commencing at the Northwest corner of Lot 20; thence East along the North line of said Lot 20, a distance of 101 feet; thence South on a line parallel to and 101 feet distant from the West line of said Lot 20 and 19 to the South line of said Lot 19; thence West

on the South line of said Lot 19, a distance of 101 feet, to the West line of said Lot 19; thence North on the West line of said Lots 19 and 20 a distance of 215.61 feet, more or less, to the point of beginning, said tract of land being the West 101 feet of said Lots 19 and 20 in Block 8 of ALTA-MONT ACRES.

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 Notice, which the foreclosing party has made is the grantor's failure to pay when due the following sums: Taxes for the fiscal year 1999-2000, delinquent in the sum of \$1,395.25, plus interest; Taxes for the fiscal year 2000-2001 delinquent in the sum of \$1,400.94, plus interest. Taxes for the fiscal year 2001-2002 delinquent in the sum of \$1,211.29, plus interest. Payments in the amount of \$1,000.36 per month from March 2002 through the present.

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: \$100,430.03 as of February 19, 2002, plus interest. WHEREFORE, notice hereby is given that the undersigned trustee will, on December 11, 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 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: October 3, 2002. Scott D. MacArthur, Successor Trustee.  
Witness: October 9, 2002.