

Aspen 55509

**AFFIDAVIT OF MAILING**

State of Oregon, County of Klamath  
 Recorded 12/19/2002 2:48 p m.  
 Vol M02, Pg 74281-88  
 Linda Smith, County Clerk  
 Fee \$ 56.00 # of Pgs 8

STATE OF OREGON            )  
   )  
 COUNTY OF JACKSON        )

I, JOAN CHRISTOPHER, of DAVIS, GILSTRAP, HEARN, SALADOFF & SMITH, P.C.  
 of Ashland, Oregon, hereby certify that I mailed a copy of the Trustee's Notice of Sale which is  
 attached hereto unto the following persons or entities pursuant to the provisions of ORS  
 86.740(1). The Notice was sent by Certified and First Class Mail on August 9, 2002, in letters  
 addressed to:

Klamath County Tax Collector  
 305 Main Street  
 Klamath Falls OR 97601

Klamath Irrigation District  
 6640 KID Lane  
 Klamath Falls OR 97603

Forest Products Credit Union  
 200 N 7<sup>th</sup> Street  
 Klamath Falls OR 97601

Tom C. Weeks  
 P O Box 783  
 Merrill OR 97633

*Joan Christopher*  
 JOAN CHRISTOPHER

SUBSCRIBED AND SWORN to before me this 9<sup>th</sup> day of August, 2002.



*Dawn Caldwell*  
 Notary Public for Oregon  
 My Commission Expires: 8/26/02

**TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain trust deed made, executed and delivered by Tom C. Weeks, as grantor, to Aspen Title & Escrow, Inc., as trustee, to secure certain obligations in favor of George B. Hutchinson, Trustee of the Earthwatcher Loving Trust, as beneficiary, dated September 2, 1997, and recorded in Volume M-97, Page 31461 of the Official Records of Klamath County, Oregon, on September 26, 1997, covering the following described real property, to wit:

See Exhibit "A" attached.

This also includes the 1975 Flamingo Mobile Home on the property - Key No. M51393 and Vehicle I.D. No. 70F3UOF11806556.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and to foreclose said trust deed by advertisement and sale. The default for which the foreclosure is made is grantor's failure to pay when due the following sums owing on said obligations, which sums are now past due, owing and delinquent:

The entire sum, principal of \$35,000 and interest, is now fully due and payable, plus a late fee of \$17.50 per month for any payment not received within 15 days of its due date.

By reason of said default, and grantor's failure to pay real property taxes for tax years 1999-2000, 2000-2001 and 2001-2002, and personal property taxes for tax years 2001-2002, the beneficiary has declared the entire unpaid balance of all obligations secured by said trust deed together with the interest thereon, immediately due, owing and payable, said sums being the following to wit:

\$35,000, together with interest thereon at the rate of 12% per annum from April 15, 2002, until paid, plus a late fee of \$17.50 for any payment not received within 15 days of its due date, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said trust deed.

A notice of default and election to sell and to foreclose was duly recorded in Volume M02, Page 44770 of the Official Records of Klamath County, State of Oregon. Said Notice of Default and Election to Sell was recorded August 8, 2002.

WHEREFORE, NOTICE HEREBY IS GIVEN that the undersigned trustee will on the 6th day of January, 2003, at the hour of 10:00 o'clock a.m., Pacific Standard Time as established by Section 187.110, Oregon Revised Statutes, at the offices of Aspen Title & Escrow, Inc., at 525

Main Street, Klamath Falls, 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 of the said trust deed, together with any interest which the grantor or 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 certain persons referred to in the Oregon Revised Statutes have the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had no default occurred) together with costs, trustee's and attorney's fees at any time prior to five days before the date of said sale, provided that all other defaults referred to above are cured by then.

DATED this 9th day of August, 2002.

DAVIS, GILSTRAP, HEARN,  
SALADOFF & SMITH  
A Professional Corporation



JACK DAVIS, Successor Trustee

**Exhibit A**

**A portion of Government Lot 15, Section 16, Township 41 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:**

**Beginning at a point in the Southeasterly right of way line of the County Road known as the Depot Road, extending from the City of Malin, Oregon, to the Great Northern Railroad Depot, which point of beginning bears South 89° 59' East 296.4 feet and South 256.9 feet and North 71° 00' East a distance of 308.4 feet from the brass cap monument making the Northeast corner of Lot 14, Section 16, Township 41 South, Range 12 East of the Willamette Meridian; thence South, parallel to the West line of Lot 15 of said Section 16, a distance of 176.31 feet; thence North 89° 34' East a distance of 132.64 feet, more or less to the Southwest corner of that certain parcel of land deeded to Clifford D. King and recorded in Klamath County Deed Records, Volume 151 at Page 122, as it is now fenced and occupied; thence North 1° 23' 30" West along the fence line marking the Westerly boundary of the King property a distance of 217.8 feet to the Southwesterly line of the said Depot Road; which point is the Northwesterly corner of said King property as fenced and occupied; thence South 71° 00' West a distance of 134.6 feet, more or less, to the point of beginning.**

IN THE \_\_\_\_\_ COURT OF THE STATE OF \_\_\_\_\_  
COUNTY OF JACKSON : COURT CASE NO. \_\_\_\_\_

OREGON

TOM C WEEKS

74285

vs  
GEORGE B HUTCHINSON, TRUSTEE OF THE  
EARTHWATCHER LOVING TRUST

**PROOF OF SERVICE**

STATE OF OREGON )

County of JACKSON ) SS.

I hereby certify that on the 14 day of August, 2002, at the hour of 1640  
I served OCCUPANTS, JOHN DOE by

- ☒ Personal Service (personally and in person)  
☐ Substitute Service (by serving a person over the age of 14 years, who resides at the usual place of abode of the within named)  
☐ Office Service (by serving the person apparently in charge)  
☐ By posting (said residence)

A certified/true copy of:

- |  |  |                                       |
|--|--|---------------------------------------|
| <input type="checkbox"/> Summons                                   | <input type="checkbox"/> Writ of Garnishment | <input type="checkbox"/> Small Claims |
| <input type="checkbox"/> Motion                                    | <input type="checkbox"/> Order               | <input type="checkbox"/> Affidavit    |
| <input type="checkbox"/> Complaint                                 | <input type="checkbox"/> Citation            | <input type="checkbox"/> Subpoena     |
| <input type="checkbox"/> Petition                                  | <input type="checkbox"/> Notice              | <input type="checkbox"/> Decree       |
| <input checked="" type="checkbox"/> Other: TRUSTEES NOTICE OF SALE |  |                                       |

Together with a copy of \_\_\_\_\_

To OCCUPANTS, JOHN DOE At 1734 DEPOT RD  
AND ALL OTHERS MALIN, OR. 97632

NOT FOUND: I certify that I received the within document for service on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
and after due and diligent search and inquiry, I have been unable to locate \_\_\_\_\_  
within the county of \_\_\_\_\_ Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

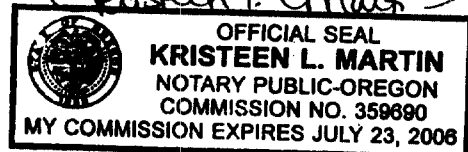
ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF KLAMATH

I am a competent person over the age of 18, a resident of said State, not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise and knew that the person, firm or corporation served is the identical one named in the action.

*Kathleen Shaffer*  
KATHLEEN SHAFFER (#25)  
Cleveland & Carl Investigation Company  
(541) 535-6005

Subscribed to and sworn to before me this

19 day of August 2002  
*Kristeen L. Martin*



Papers  
Received From DAVIS, GILSTRAP, HARRIS, HEARN  
515 E. MAIN ST.  
ASHLAND  
OR 97520-  
FEDERAL ID # 93-1262071  
503-482-3111  
ATTN: JOAN

|                        |                |        |
|------------------------|----------------|--------|
| Remitted to QCIC, Inc. | Service Fee    | \$ 25. |
| P.O. Box 1290          | Mileage        | \$     |
| Talent, OR 97540       | Rush/Emergency | \$     |
| Date: 08-15-2002       | Incorrect Add. | \$     |
| CCIC File No. 4708-K   |                | \$     |
| Client No.             | Amount Paid    | \$ 0.  |
| HUTCHINSON             | TOTAL DUE      | \$ 25. |

AUG 19 2002

IN THE COURT FOR THE STATE OF OREGON

COUNTY OF JACKSON

COURT CASE#

74286

TOM C WEEKS

PLAINTIFF(S)

VS

GEORGE B HUTCHINSON, TRUSTEE OF THE  
EARTHWATCHER LOVING TRUST

DEFENDANT(S)

AFFIDAVIT OF MAILING

STATE OF OREGON                    )  
  ) SS.  
COUNTY OF JACKSON                )

I, THE UNDERSIGNED, BEING FIRST DULY SWORN ON OATH, DEPOSE  
AND SAY, THAT ON THE 15 DAY OF August, 2002 I DID CAUSE TO  
BE DEPOSITED A CERTIFIED COPY OF TRUSTEE'S NOTICE OF SALE  
TOGETHER WITH A COPY OF THE PROOF OF SERVICE, IN THE UNITED  
STATES MAIL AT TALENT, OREGON, POSTAGE PREPAID THEREON, IN A SEALED  
ENVELOPE, ADDRESSED TO:

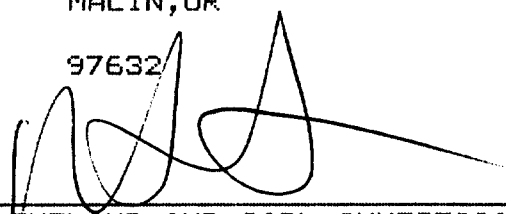
OCCUPANTS, JOHN DOE

AND ALL OTHER OCCUPANTS

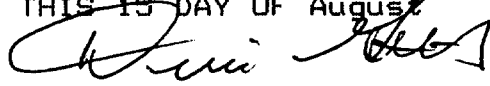
1734 DEPOT RD

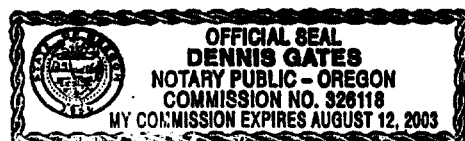
MALIN, OR

97632

  
CLEVELAND AND CARL INVESTIGATION  
P.O. BOX 1290  
TALENT, OR. 97540  
(541) 535-6005

SUBSCRIBED TO AND SWORN TO BEFORE ME  
THIS 15 DAY OF August 2002





**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 # 5325

Notice of Sale/Weeks

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:  
November 13, 20, 27, December 4, 2002

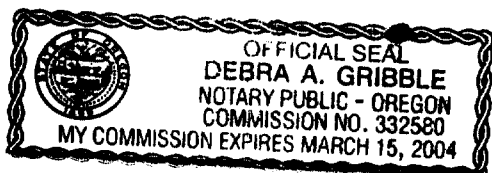
Total Cost: \$837.00

Subscribed and sworn

before me on: December 4, 2002

Notary Public of Oregon

My commission expires March 15, 2004



**TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain trust deed made, executed and delivered by Tom C. Wells as grantor, to Aspen Title & Escrow, Inc. as trustee, to secure certain obligations, for and of George B. Hutchinson, Trustee of the Earthwatchers' Loving Trust, as beneficiary, dated September 2, 1997, and recorded with Volume M-97, Page 31461, of the Official Records of Klamath County, Oregon, on September 26, 1997, covering the following described real property, to-wit: to be located in the County of Klamath, State of Oregon, and more particularly, as follows: Beginning at a point in the South-easterly right-of-way line of the County Road known as the Depot Road, extending from the City of Malin, Oregon, to the Great Northern Railroad Depot, which point of beginning bears South 87 degrees 59' East 256.4 feet and South 256.9 feet and North 71 degrees 00' East a distance of 308.4 feet from the brass cap monument making the Northeast corner of Lot 14, Section 14, Township 41S, Range 12E, of the Williams Meridian, the South parallel of the West line of the said

Section 14, a distance of 176.31 feet, thence North 34 degrees 34' East a distance of 132.6 feet, more or less, to the Southwest corner of that certain parcel of land deeded to Clifford D. King and recorded in Klamath County's Deed Records, Volume 151, Page 122, as at is now fenced and occupied; thence North 1 degree 30' West along the fence line marking the Westerly boundary of the King property a distance of 217.8 feet to the Southwesterly line of the said Depot Road, which point is the Northwesterly corner of said King property, as fenced and occupied; thence South 1 degree 00' West a distance of 66.4 feet to the point of beginning. This also includes the 1997 existing Mobile Home on the property, aka, M-5393, and a note 10P30 OF 118635.

Both the beneficiary and the grantor have elected to sell this property pursuant to the said Trust deed and to foreclose said trust deed by advertisement and sale. The said advertisement, which is on file with the County Clerk, is a copy of the said Trust deed and to foreclose said trust deed by advertisement and sale. The said advertisement, which is on file with the County Clerk, is a copy of the said Trust deed and to foreclose said trust deed by advertisement and sale.

The entire sum principal of \$35,000 and interest is now fully due and payable, plus a late fee of \$17.50 per month for any payment not received within 15 days of its due date.

By reason of said default, and grantor's failure to pay real property taxes for tax years 1999, 2000, 2000-2001, and 2001-2002, and personal property taxes for tax years 2001, 2002, the beneficiary has declared the entire unpaid balance of all obligations secured by said trust deed together with the interest thereon, immediately due, owing and payable, said sums being the following to-wit:

\$35,000, together with interest thereon at the rate of 12% per annum from April 15, 2002, until paid, plus a late fee of \$17.50 for any payment not received within 15 days of its due date, plus trustee's fees, attorney's fees, foreclosure costs, and any sums advanced by the beneficiary pursuant to the terms of said Trust deed.

A notice of default and election to sell and to foreclose was duly recorded with Volume M-02, Page 44770 of the Official Records of Klamath County, State of Oregon. Said Notice of Default and Election to Sell was recorded August 8, 2002.

**WHEREFORE NOTICE HEREBY IS GIVEN** that the undersigned trustee will on the 5th day of January, 2003, at the hour of 10:00 AM, Pacific Standard Time, at the place published by section 187.110, Oregon Revised Statutes, at

74288

The offices of Aspen Title, Inc., at 525 Main Street, Klamath Falls, Oregon, will 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 of the said trust deed together with any interest which the grantor or successors in interest acquired after the execution of said trust deed to satisfy the foregoing obligations, thereby to secure and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that certain persons referred to in the Oregon Revised Statutes have the right to have the foreclosure proceedings dismissed and the trust deed reinstated by payment of the entire amount due (whether or not such portion of said principal amount as would not have been due had no default occurred) together with costs, trustee's and attorney's fees at any time prior to five days before the date of sale.

Dated this 9th day of August, 2002. Davis Gilstap, Hearn, Salomon & Smith, A Professional Corporation, Jack Davis, Successor Trustee. #5325 November 13, 20, 27 December 4, 2002.