

03 JAN 15 AM 10:58

Vol M03 Page 02719

K56440
RECORDING COVER SHEET
Pursuant to ORS 205.234

State of Oregon, County of Klamath
Recorded 01/15/2003 10:58a m.
Vol M03 Pg 02719-25
Linda Smith, County Clerk
Fee \$ 66⁰⁰ # of Pgs 7

After recording return to:

Northwest Trustee Services, LLC
Attention: Winston Khan
P.O. Box 4143
Bellevue, WA 98009-4143

1. AFFIDAVIT OF MAILING
- ✓ 2. TRUSTEE'S NOTICE OF SALE
- ✓ 3. PROOF OF SERVICE
- ✓ 4. AFFIDAVIT OF PUBLICATION

Original Grantor(s) on Trust Deed: John A. Short III and Phyllis Gwendolyn Short

Beneficiary: Gateway Financial Services

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS CONTAINED IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

K51-15-

02720

K56440
AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, 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 Washington, 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 address, to-wit:

John A. Short III
 2037 Garden Avenue
 Klamath Falls, OR 97601

Phillis Gwendolyn Short
 2037 Garden Avenue
 Klamath Falls, OR 97601

John A. Short III
 7404 Short Road
 Klamath Falls, OR 97603

Phillis Gwendolyn Short
 7404 Short Road
 Klamath Falls, OR 97603

John A. Short III
 c/o Penny L. Austin, Attorney
 925 West 8th Street
 Medford, OR 97501

Phillis Gwendolyn Short
 c/o Penny L. Austin, Attorney
 925 West 8th Street
 Medford, OR 97501

Candace Amborn, Trustee
 P.O. Box 580
 Medford, OR 97501

Hardy Myers
 Attorney General, State of Oregon
 1162 Court Street Northeast
 Salem, OR 97310

John A. Short III
 1230 Adams
 Klamath Falls, OR 97601

Phillis Gwendolyn Short
 1230 Adams
 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, 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 Bellevue, Washington, on 10/7/02. 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.

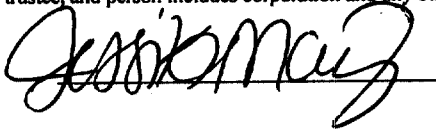
STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that Jessica K. May is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 10/7/02

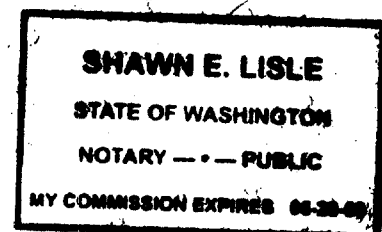

 NOTARY PUBLIC in and for the State of
 Washington, residing at Redmond
 My commission expires 6/20/06

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from
 Short, John A. III and Phillis Gwendolyn
 Grantor

to
 DAVID E. FENNELL,
 Trustee File No. 7434.20118

After recording return to:
 Northwest Trustee Services, LLC
 Attn: Chris Ashcraft
 P.O. Box 4143
 Bellevue, WA 98009-4143



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by John A. Short III and Phyllis Gwendolyn Short, as grantor, to First American Title Company, as trustee, in favor of Gateway Financial Services, as beneficiary, dated 05/04/99, recorded 05/17/99, in the mortgage records of Klamath County, Oregon, as Volume M99, Page 19425 and subsequently assigned to State Street Bank by Assignment, covering the following described real property situated in said county and state, to wit:

Lot 423 in Block 101 of Mills Addition to the City of Klamath Falls, according to the Official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 2037 Garden Avenue
Klamath Falls, OR 97601

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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 of \$536.83 beginning 09/01/00; plus late charges of \$21.28 each month beginning 09/16/00; plus prior accrued late charges of \$0.00; plus advances of \$2,078.09; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$55,326.93 with interest thereon at the rate of 8.375 percent per annum beginning 08/01/00; plus late charges of \$21.28 each month beginning 09/16/00 until paid; plus prior accrued late charges of \$0.00; plus advances of \$2,078.09; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

WHEREFORE, notice hereby is given that the undersigned trustee will on **January 31, 2003** at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 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 described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 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 ORS 86.753.

02722

In construing this notice, 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.

DAVID E. FENNELL

Dated: 10-4, 20 00

By _____
David E. Fennell - Trustee

For further information, please contact:

Chris Ashcraft
Northwest Trustee Services, LLC
P.O. Box 4143
Bellevue, WA 98009-4143
(425) 586-1900
File No. 7434.20118/Short, John A. III and Phillis Gwendolyn

State of Washington, County of King) ss:

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

By Authorized Signer

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

02723

7434.20118/Short III

AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON)
) ss.
County of Klamath)

I, Dave Shuck, being first duly sworn, depose and say:


That I am, and have been at all material times hereto, a competent person over the age of eighteen years and a resident of Klamath County, State of Oregon. I am not a party to, an attorney in, or interested in any suit of action involving the property described below.

That on the 7th day of October, 2002, after personal inspection, I found the following described real property to be unoccupied:

Lot 423 in Block 101 of Mills Addition to the City of Klamath Falls, according to the Official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Commonly known as: 2037 Garden Avenue
Klamath Falls, OR 97601

I declare under the penalty of perjury that the above statements are true and correct.


Dave Shuck 255314

SUBSCRIBED AND SWORN to before me this 8th day of October, 2002, by Dave Shuck.



Margaret C. Nelson
Notary Public for Oregon

Affidavit of Publication

02724

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 # 5312

Notice of Sale/Short

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 7, 14, 21, 28, 2002

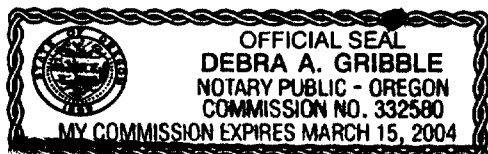
Total Cost: \$742.50

Subscribed and sworn

before me on: November 28, 2002

Notary Public of Oregon

My commission expires March 15, 2004



<p>TRUSTEE'S NOTICE OF SALE</p> <p>Reference is made to that certain trust deed made by John A. Short, Jr. and Phyllis Gwendolyn Short as grantors to First American Title Company as trustee, dated 05/04/99, recorded 05/17/99, in the public records of Klamath County, Oregon, as Volume 1499, Page 19425, and subsequently assigned to State Street Bank by Assignment, covering the following described real property situated in said county and state, to wit:</p> <p>Lot 423 in Block 101 of Mills Addition to the City of Klamath Falls, according to the Official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon.</p> <p>PROPERTY ADDRESS: 2037 Garden Avenue, Klamath Falls, OR 97601.</p> <p>Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.733 and the trustee has made the following payments: monthly payments of \$207.09 beginning 09/01/00 plus late charges of \$21.28 each month beginning 09/01/00 plus</p>	<p>plus \$2.07 each month with title expenses and attorney's fees incurred therefor by reason of said default, and any other sums advanced by the beneficiary for the protection of the above described real property and its interest therein.</p> <p>By reason of said default the beneficiary has declared all sums owing on the obligations secured by the trust deed, and payable said sums being the following: \$59,269.93 with interest thereon at the rate of 12% per annum beginning 08/01/00 plus late charges of \$21.28 each month beginning 08/01/00 until paid in full, or accrued late charges of \$20.00 plus advance of \$2,070.90, together with title expenses and attorney's fees incurred therefor by reason of said default, and any other sums advanced by the beneficiary for the protection of the above described real property and its interest therein.</p> <p>WHEREFORE notice hereby is given that the undersigned trustee will on January 3, 2003 at the hour of 10:00 AM in accordance with the standard terms established by Oregon Revised Statutes 86.731 and following place make the sale of the above described real property to the highest bidder for cash</p>	<p>the interest in the described real property which the grantor, had, or had power to convey at the time of the execution by grantors of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 for the right to buy the real property shall have the right to buy the real property and the proceeds of the sale, and the trust deed is nullified by payment of the beneficiary of the entire amount thereof, (other than such portion of the principal as would, no then be due had no default occurred, and by curing any other default complained of, that is capable of being cured by tendering the performance and required under the obligation of the 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 obligations and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.</p> <p>In construing this notice, the singular includes the plural, the word "and" includes "or", and the word "interest" includes</p>
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05734

Affidavit of Publication

02725

State of Oregon

County of Multnomah

I, the undersigned, being a resident qualified person, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Multnomah, State of Oregon.

Subscribed and sworn to before me this _____ day of _____, 2002.

Notary Public for Oregon

My commission expires _____

Notary Public for Oregon

My commission expires _____

Notary Public for Oregon

My commission expires _____

Notary Public for Oregon

My commission expires _____

Notary Public for Oregon

My commission expires _____

Notary Public for Oregon

My commission expires _____

Notary Public for Oregon

My commission expires _____

Grants, as well as any other person owing an obligation, the performance of which is secured by said bonds and the undersigned (Name of person in territory).

October 2, 2002 By David Fennell, Trustee

For more information please contact: Chris Ashcraft, Northwest Trust Services, LLC, PO Box 111, Seattle, WA 98101-0111 (206) 461-0251

2002

RECEIVED
DEC - 4 2002
ROUTH CRABTREE & FENNEL