

# Affidavit of Publication

State of Oregon, County of Klamath  
Recorded 02/14/2003 10:09 a.m.  
Vol M03 Pg 08977-80  
Linda Smith, County Clerk  
Fee \$ 36<sup>00</sup> # of Pgs 4

## 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 # 5261

Notice of Sale/Galvan

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 18, 25, November 1, 8, 2002

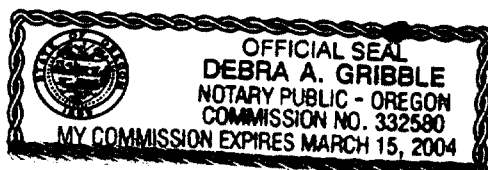
Total Cost: \$945.00

Larry L. Wells  
Subscribed and sworn

before me on: November 8, 2002

Debra A. Gribble  
Notary Public of Oregon

My commission expires March 15, 2004



### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by IG-NACIO J. GALVAN, Grantor, KLAMATH COUNTY TITLE COMPANY as the trustee, and RICHARD S. FAIRCLO, TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF AMY I. WAGGONER, is the beneficiary under that certain trust deed dated October 10, 1994, and recorded October 20, 1994, in Volume No. M94, page 32722, Microfilm Records of Klamath County, Oregon covering the following-described real property:

#### EXHIBIT "A"

The following-described real property in Klamath County, Oregon:

The E 1/2 of Section 18, and the NE 1/4 NE 1/4 of Section 19, Township 36 South, Range 13, East of the Willamette Meridian, Klamath County, Oregon.

Together with an Easement across the Northerly 30 feet of the NE 1/4 of Section 13, Twp. 36 S., R. 12 and the NW 1/4 of Section 18, Twp. 36 S., R. 13 E. W.M., and more particularly described on Major Partition No. 45-90 filed in the office of the County Clerk on May 3, 1991.

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 of which the foreclosure is made

is grantor's failure to pay when due the following sums:

Annual payments in the amount of \$8,941.77 due and payable on October 15, 1998, and each and every year thereafter, plus interest in the amount of 8 percent per annum as set forth below, plus real property taxes for the fiscal year, 1999-2000 in the amount of \$251.83 plus interest, for the fiscal year 2000-2001 in the amount of \$242.04 plus interest, for the fiscal year 2001-2002 in the amount of \$262.16 plus interest, plus real property taxes for the fiscal year 2002-2003, a lien not yet due and payable. Account No: 3613-4600; Key No. 359551; plus real property taxes for the year 1999-2000, in the amount of \$302.34 plus interest, for the year 2000-2001, in the amount of \$309.66 plus interest, for the year 2001-2002 in the amount of \$322.18 plus interest; Account No. 3613-4800, Key Number 359506; plus real property taxes for the year 1999-2000 in the amount of \$122.90 plus interest, for the year 2000-2001 in the amount of \$121.41 plus interest, for the year 2001-2002, in the amount of \$124.46 plus interest, Account No. 3613-4900; Key No. 359560. Also owed to the beneficiary are the following amount for taxes paid by beneficiary: \$1,023.46.

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:

Principal in the amount of \$46,598.90,

plus interest in the amount of \$17,863.21 plus interest at the rate of \$10.213 per day from October 8, 2002; plus real property taxes for the fiscal year, 1999-2000 in the amount of \$251.83 plus interest, for the fiscal year 2000-2001 in the amount of \$242.04 plus interest, for the fiscal year 2001-2002 in the amount of \$263.16 plus interest, plus real property taxes for the fiscal year 2002-2003, a lien not yet due and payable. Account No: 3613-4600; Key No. 359551; plus real property taxes for the year 1999-2000, in the amount of \$302.34 plus interest, for the year 2000-2001, in the amount of \$309.66 plus interest, for the year 2001-2002 in the amount of \$322.18 plus interest; Account No. 3613-4800, Key Number 359506; plus real property taxes for the year 1999-2000 in the amount of \$122.90 plus interest, for the year 2000-2001 in the amount of \$121.41 plus interest, for the year 2001-2002, in the amount of \$124.46 plus interest, Account No. 3613-4900; Key No. 359560. Also owed to the beneficiary are the following amount for taxes paid by beneficiary: \$1,023.46.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 20, 2003 at the hour of 10:30 AM, in accord with the standard of time established by ORS 187.110, at the office of Richard Fairclo, 280 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the high-

est 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 by him of the 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 then due (other than such portion of the principal as would not then to 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.

We are attempting to collect a debt and any information we obtain will be used for that purpose.

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 which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Richard Fairclough,

Trustee.

#5261 October 18, 25,  
November 1, 8, 2002.

### TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON                 ]  
County of Klamath              ] ss.  
  ]

**I, RICHARD FAIRCLO, being first duly sworn, depose, say and certify that:**

I am Successor Trustee in that certain trust deed executed and delivered by Ignacio J. Galvan, as grantor to Klamath County Title as trustee, in which Richard S. Fairclo, Trustee under the Last Will and Testament of Amy I. Waggoner is beneficiary, recorded on October 20 1994, in the mortgage records of Klamath County, Oregon, in Volume No. M94, at page 32722 covering the following described real property situated in said county:

See Attached Exhibit "A."

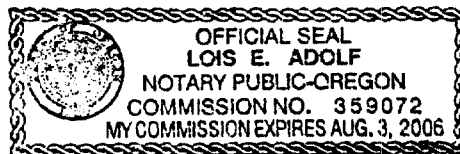
I hereby certify that on October 9, 2002, the above described real property was not occupied.

The word "trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed first mentioned above.

**Richard Fairclo, Successor Trustee**

SUBSCRIBED AND SWORN to before me this 13 day of Feb., 2003.

Notary Public of Oregon  
My Commission expires:



## Trustee's Affidavit As To Non-Occupancy

**Richard Fairclo  
Attorney at Law  
280 Main Street  
Klamath Falls OR 97601**

57759

08980

EXHIBIT "A"

The following-described real property in Klamath County, Oregon:

The E  $\frac{1}{4}$  of Section 18, and the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 19, Township 36 South, Range 13, East of the Willamette Meridian, Klamath County, Oregon.

Together with an Easement across the Northerly 30 feet of the NE  $\frac{1}{4}$  of Sec. 13, Twp. 36 S., R. 12 and the NW  $\frac{1}{4}$  of Sec. 18, Twp. 36 S., R. 13 E. W. M., and more particularly described on Major Partition No. 45-90 filed in the office of the County Clerk on May 3, 1991.