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Affidavit of Publication

Vol M03 Page 09988

State of Oregon, County of Klamath
Recorded 02/19/2003 2:30 p m.
Vol M03 Pg 09988-90
Linda Smith, County Clerk
Fee \$ 31.00 # of Pgs 3

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 # 5251

Notice of Sale/Silva

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: (4)
Four

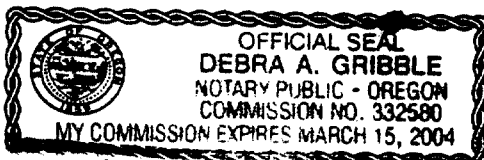
Insertion(s) in the following issues:
October 14, 21, 28, November 4, 2002

Total Cost: \$796.50

Larry L. Wells
Subscribed and sworn
before me on: November 4, 2002

Debra A. Gribble
Notary Public of Oregon

My commission expires March 15, 2004



NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by JOSEPH E. SILVA and JENNIFER E. SILVA, husband and wife, Grantor, MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as the trustee, and CHARLES D. WHITEMORE and BONNIE J. WHITEMORE, husband and wife, are the beneficiaries under that certain trust deed, dated July 31, 1992, and recorded August 19, 1992, in Volume No. M92, page 18564, Microfilm Records of Klamath County, Oregon; the beneficial interest under said trust deed was assigned October 31, 1995, at Volume M95, page 29730, Microfilm Records of Klamath County Oregon to Charles D. Whitemore, Trustee of the Whitemore Living Trust. Said trust deed covers the following described real property:

EXHIBIT "A"

A parcel of land situated in Lots 19 and 20, Block 4, LENOX ADDITION, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, being more particularly described as follows: Beginning at the Southwest corner of said Lot 20; thence North 01 degree 10' East on the East line of Diamond Street, 56.00 feet; thence South 88 degree 44' 59" East, 63.50 feet; thence South 01 degree 10' West, 13.10 feet; thence South 88 degree 44' 59" East,

45.50 feet; thence South 01 degree 10' West 42.90 feet to a point on the South line of said Lot 20; thence North 88 degree 44' 59" West on said South line 109.00 feet to the point of beginning.

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:

Payments in the amount of \$226.00 due and payable on October 7, 2000 and each and every month thereafter, plus interest in the amount of 9 percent per annum as set forth below, plus late fees, plus real property taxes for the fiscal year, 2001-2002 in the amount of \$388.46 plus interest, plus real property taxes for the fiscal year 2002-2003, a lien not yet due and payable. Account No: 3909-007CA-100801-000.

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 amount of \$15,094.42 as of September 26, 2002, plus interest in the amount of \$226, plus interest in the amount of \$3,722 per day from September 26, 2002, plus real property taxes for the fiscal year, 2001-2002 in the amount of \$388.46 plus interest,

plus real property taxes for the fiscal year 2002-2003, a lien not yet due and payable. Account No: 3909-007CA-100801-000.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 20, 2003, at the hour of 10:00 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 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 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 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.

ance 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 Fairclo,
Successor Trustee.
#5251 October 14, 21,
28, November 4,
2002.

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

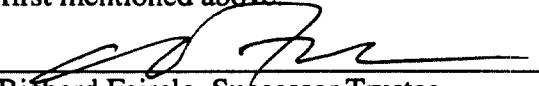
STATE OF OREGON]
] ss.
 County of Klamath]

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

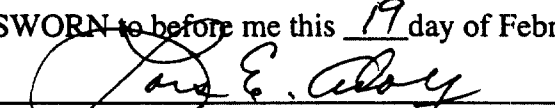
I am Successor Trustee in that certain trust deed executed and delivered by Joseph E. Silva and Jennifer E. Silva, husband and wife, as grantors to Mountain Title Company of Klamath County as trustee, in which Charles D. Whittemore and Bonnie J. Whittemore, husband and wife, are beneficiaries, recorded on August 19, 1992, in the mortgage records of Klamath County, Oregon, in Volume No. M92, at page 18564, covering the real property described in said trust deed, more commonly known as 3621 and 3621 1/2 Diamond, Klamath Falls OR 97601.

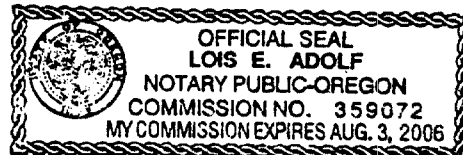
I hereby certify that on February 19, 2003, the above described real property was not occupied by persons obtaining consent from such grantors.

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 19 day of February, 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