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Vol M03 Page 15739
STATE OF OREGON,

} ss

'03 MAR 17 AM 10:51

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

RE: Trust Deed from

Terry L. McCutcheon

To

Grantor

KEY Title Company

Trustee

After recording, return to (Name, Address, Zip):

SPACE RESERVED
FOR
RECORDER'S USE

State of Oregon, County of Klamath

Recorded 03/17/2003 10:51 A.m.Vol M03 Pg 15739-44

Linda Smith, County Clerk

Fee \$ 46.00 # of Pgs 6STATE OF OREGON, County of Josephine) ss:
I, MICHAEL J. BIRD

, being first duly sworn, depose, and say 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 the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in the notice of sale.

I gave notice of the sale of the real property described in the attached trustee's Notice of Sale by mailing copies 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:

NAME

ADDRESS

Terry L. McCutcheon 1110 West Oregon Ave, Klamath Falls, OR 97601

State of Oregon Support Enforcement, 1495 Edgewater ST., NW, Salem OR 97304

State of Oregon, Dept of Human Resources, PO BOX 14506, Salem, OR 97309

Michael McCord/Paula Thompson - 888 W. Evergreen Ave, POB 457, Redmond, OR 97756
Bryant Emerson Fitch & McCord

Forest Products Federal Credit Union, POB 1179, Klamath Falls, OR 97601

These 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 set forth in ORS 86.785.*

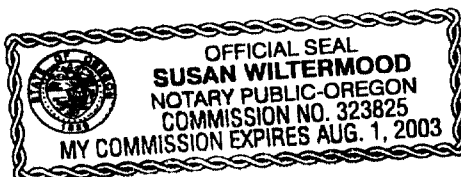
Each of the notices so mailed was certified to be a true copy of the original notice of sale by _____

Michael J. Bird

_____, attorney for the trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at _____, Oregon, on _____, 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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

As used herein, the singular includes the plural, "trustee" includes a successor trustee, and "person" includes a corporation and any other legal or commercial entity.

Subscribed and sworn to before me on November 20, 2002,

Notary Public for Oregon

My commission expires 8/1/03

EL

INSTRUCTIONS FOR SERVICE OF TRUSTEE'S
NOTICE OF SALE UPON OCCUPANT PURSUANT
TO ORS 86.750 (1) AND PROOF OF SERVICE
(120-Day Notice)

RE: Trust Deed from

Terry McCutcheon

To

Grantor

Key Title Company

Trustee

After recording, return to (Name, Address, Zip):

STATE OF OREGON,

County of _____ } ss.

15740



I certify that the within instrument was
received for record on _____,
at _____ o'clock _____ M., and recorded in
book/reel/volume No. _____ on page _____
and/or as fee/file/instrument/microfilm/reception
No. _____, Records of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____, Deputy.

SPACE RESERVED
FOR
RECORDER'S USE

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:

STATE OF OREGON,

County of Josephine

} ss.

I, the undersigned, being first duly sworn, depose and say:

I am the Trustee or attorney for the Trustee in the trust deed described in the attached Trustee's Notice of Sale.

You are hereby directed to serve the Trustee's Notice of Sale in the manner in which a summons is served pursuant to ORCP
7 D(2) and 7 D(3) upon the occupant of the property described in the Notice of Sale.

The name of the person to be served, if known, and the property address of the property described in the trust deed are as follows:

Name of person to be served
(If unknown, so state)

Property Address

Occupants

1110 West Oregon Avenue, Klamath Falls, OR
97601

Terry L. McCutcheon

1110 West Oregon Avenue, Klamath Falls, OR
97601

If the occupant is indicated as "unknown," or if you find the property at this address to be occupied by someone other than
the person named, then you are to serve the person or persons whom you find to be occupying the property.

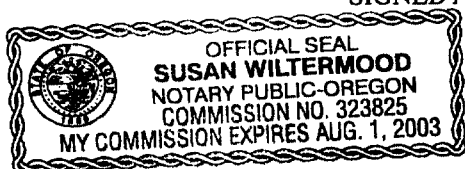
Service should be made by December 2, 2002, which is 120 days before the date fixed for the sale
in the attached notice. If you have not made service by that date, and the property appears occupied, persist in attempting to make
service until it has been accomplished.

As used herein, the singular includes the plural, "trustee" includes any successor trustee, and "person" includes a corporation
or any other legal or commercial entity.

(ATTORNEY FOR) TRUSTEE

SIGNED AND SWORN TO before me on

November 20, 2002



Notary Public for Oregon

My commission expires

8/1/03

PUBLISHER'S NOTE: An original Notice of Sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS

15741

STATE OF OREGON
COUNTY OF Klamath

COURT CASE NO. Ø

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows:

- | | | | |
|--------------------------------------|--|-----------------------------------|--|
| <input type="checkbox"/> Small Claim | <input type="checkbox"/> Order | <input type="checkbox"/> Subpoena | <input type="checkbox"/> Order to Show Cause |
| <input type="checkbox"/> Summons | <input type="checkbox"/> Motion | <input type="checkbox"/> Notice | <input checked="" type="checkbox"/> Trustee's Notice of Sale |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Affidavit | <input type="checkbox"/> Petition | <input type="checkbox"/> Writ of Garnishment |
| <input type="checkbox"/> Answer | <input type="checkbox"/> Restraining Order | <input type="checkbox"/> Letter | <input type="checkbox"/> Writ of Continuing Garnishment |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ | <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |

For the within named: OCC OF 1110 W. Oregon ave.

☒ PERSONALLY SERVED: Original or True Copy to within named, personally and in person to: Jane Doe at the address below.

☒ SUBSTITUTE SERVICE: By delivering an Original or True Copy to Jane Doe, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: Terry McCutcheon.

☐ OFFICE SERVICE: At the office which he/she maintains for the conduct of business as shown at the address below, by leaving such true copy or Original with _____, the person who is apparently in charge.

☐ SERVICE ON CORPORATIONS, LIMITED PARTNERSHIPS OR UNINCORPORATED ASSOCIATIONS SUBJECT TO SUIT UNDER A COMMON NAME.
Upon _____, by (a) delivering such true copy personally and in person, Corporation, Limited Partnership, etc.

to: _____ who is a/the _____ thereof, or
(b) leaving such true copy with _____, the person who is apparently in charge of the office of _____, who is a/the _____ thereof.

☐ OTHER METHOD: _____

☐ NOT FOUND: I certify that I received the within document for service on _____ and after due and diligent search and inquiry, I hereby return that I have been unable to find, the within named respondent, _____ within _____ County.

<u>1110</u> ADDRESS OF SERVICE	<u>W. Oregon</u> STREET	UNIT / APT. / SPC#	
<u>Klamath Falls</u> CITY	<u>Oregon</u> STATE	<u>97601</u> ZIP	

I further certify that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or corporation named in the action.

<u>Nov. 27, 2002</u> DATE OF SERVICE	<u>6:35 a.m.</u> <input type="checkbox"/> <u>p.m.</u> TIME OF SERVICE	<u>[Signature]</u> SIGNATURE
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15742

AFTER RECORDING RETURN TO:
MICHAEL J. BIRD, Attorney
P O BOX 10
GRANTS PASS OR 97528-0311

NOTICE OF SUBSTITUTED OR OFFICE
SERVICE AND AFFIDAVIT OF MAILING
Re: Trust Deed from
TERRY L. McCUTCHEON
to
KEY TITLE COMPANY

NOTICE OF SUBSTITUTED SERVICE OR OFFICE SERVICE

TO: TERRY McCUTCHEON, 1110 W OREGON AVE, KLAMATH FALLS, OR 97601

You are hereby notified that you have been served with a Trustee's Notice of Sale, a true copy of which is attached hereto and enclosed herewith.

Service was made by delivering a true copy of said Notice of Sale at your dwelling house or usual place of above, to-wit:
1110 W. Oregon Avenue, Klamath Falls, OR, 97601 to *JANE DOE, who is a person over the age of fourteen years and a member of your household, on ** November 27, 2002, at 6:35 P.M.

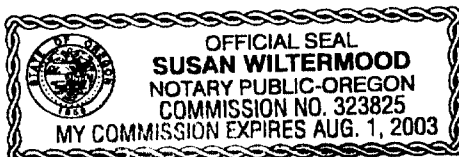
AFFIDAVIT OF MAILING

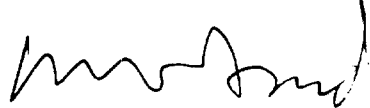
STATE OF OREGON, County of Josephine ss.

I, MICHAEL J. BIRD, being first duly sworn, depose, say and certify that: I mailed an original Notice of Substituted or Office Service, an exact and complete copy of which appears above, together with a true copy of the Notice of Sale referred to therein and attached hereto, which Notice of Sale was certified to be an exact and complete copy of the original Notice of Sale by MICHAEL J. BIRD, attorney for the Trustee named in said Notice of Sale, to the person and to the address first appearing above.

The Notice set forth above, and the true copy of the Notice of Sale were placed in a sealed envelope with first class postage thereon fully prepaid, and deposited by me in the United States Post Office at: Grants Pass, Oregon, on ** December 17, 2002, addressed as aforesaid.

Subscribed and sworn to before me this 17th day of December, 2002.





Susan Wiltermood
Notary Public for Oregon
My Commission Expires: 8-1-03

Note: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

1 -NOTICE OF SUBSTITUTED SERVICE

H:\MJB - DIRECTORY\CLIENTS - MJB\FORCLOSURE - MJB\CLIENTS - FORECLOSURE\DORSEY, LEE\McCUTCHEON, TERRY L\Notice of Substituted Service.wpd

AFTER RECORDING RETURN TO:**MICHAEL J. BIRD, Attorney****P. O. BOX 10****GRANTS PASS, OR 97528****Re: Trust Deed from:****Terry L. McCutcheon,
Grantor,****to****Key Title Company, an Oregon corporation,
Trustee,**

TRUSTEE'S NOTICE OF SALE

NOTICE is hereby given that the obligation secured by the trust deed described herein is in default, and that the beneficiary has elected to foreclose the trust deed pursuant to ORS 86.705 to 86.795. No action is now pending to recover any part of the debt secured by the trust deed.

Information required by ORS 86.735 and ORS 86.745 is as follows:

1. **Grantor: TERRY L. McCUTCHEON**

Trustee: KEY TITLE COMPANY, an Oregon Corporation

Successor Trustee: MICHAEL J. BIRD

Beneficiary: THE HERITAGE FAMILY CORPORATION

2. **Property covered by the trust deed:**

Lot 7 and 8, Block 9, BUENA VISTA 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, together with that portion of vacated Oregon Avenue vacated by City Ordinance #5045, which inurred thereto.

**Property Address:
1110 WEST OREGON AVE
KLAMATH FALLS OR 97601**

3. The trust deed was dated May 2, 1997, recorded May 8, 1997, AS Vol M97, Page 14073, in the Microfilm records of Klamath County, Oregon

4. **Default for which foreclosure is made is failure to pay the following:**

(a) **Monthly payments of \$337.07 each commencing 7/22/02 and thereafter.**

(b) Late penalty charge of 5% (\$16.85) on each monthly payment thereafter not made within 15 days of due date.

(c) Taxes for the year 2001/2002 in the amount of \$2006.30, plus interest thereon;

5. The sums owing on the obligation secured by the trust deed is:

(a) The principal sum of \$18,000.00, with accrued interest thereon at the rate of 13.000 percent per annum beginning 6/22/02, until paid;

(b) Late penalty charge of 5% (\$16.85) on each monthly payment thereafter not made within 15 days of due date.

(c) Taxes for the year 2001/2002 in the amount of \$2006.30, plus interest thereon;

(d) 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 beneficiary's interest therein.

(e) Any other defaults which may exist prior to the foreclosure sale not hereinabove mentioned for the protection of the above-described real property and beneficiary's interest therein.

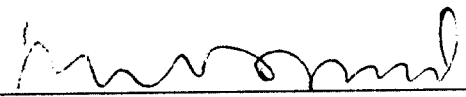
6. The beneficiary has and does elect to sell the property to satisfy the obligation. A Notice of default was recorded on November 14th, 2002, in Vol: M02, Page 66171, Official Records of Klamath County, Oregon.

7. The property will be sold in the manner prescribed by law on April 1, 2003, at 10:00 o'clock, A.M., standard time as established by ORS 187.110, at the front steps of AmeriTitle, 222 South 6th Street, Klamath Falls, Klamath County, Oregon, 97601, which is the hour, date and place last set for the sale.

8. Interested persons are notified of the right under ORS 86.753 to have this 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, together with costs, trustee's and attorney's fees, and by curing any other default complained of in this notice, at any time prior to five (5) days before the date the successor trustee conducts the sale.

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

DATED this 20th day of November, 2002.


MICHAEL J. BIRD, SUCCESSOR TRUSTEE