

03 MAY 19 PM 3:25

MTC- 59495

Vol M03 Page 33738

After Recording Return To:

Valerie T. Auerbach [KMB]
Farleigh, Wada & Witt, P.C.
121 SW Morrison, Suite 600
Portland, OR 97204

State of Oregon, County of Klamath
Recorded 05/19/2003 3:25 p m.
Vol M03 Pg 33738-44
Linda Smith, County Clerk
Fee \$ \$1.00 # of Pgs 7

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON)
) ss
County of Multnomah)

I, Susan McGonegal, Secretary at Farleigh, Wada & Witt, being first duly sworn, depose, say and certify that:

At all times mentioned herein, 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 Trustee's 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:

See Exhibit A attached hereto and incorporated herein by this reference.

Each of the notices so mailed was a true copy of the original Trustee's Notice of Sale. 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 Portland, Oregon on January 28, 2003. With respect to each person listed above, one such notice was mailed by first class mail to the address indicated, and another such notice was mailed by certified mail with return receipt requested. Each such notice was mailed after the Notice of Default and Election to Sell was recorded and at least 120 days before the Trustee conducts the sale.

Susan McGonegal

SUBSCRIBED AND SWORN to before me this 28 day of January, 2003.



Diane Hitti
Notary Public for Oregon
My Commission Expires: 6/27/05

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51.00 M

33739

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Valerie T. Auerbach [KMB]
Farleigh, Wada & Witt, P.C.
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Portland, OR 97204

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STATE OF OREGON)
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County of Multnomah)

I, Susan McGonegal, Secretary at Farleigh, Wada & Witt, being first duly sworn, depose, say and certify that:

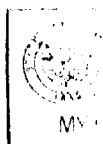
At all times mentioned herein, I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years, and not the beneficiary or the beneficiary's successor in interest named in the attached original Trustee's Notice of Sale.

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:

The Heritage Family Corporation
c/o Susan A. Dorsey
Registered Agent and President
215 Jackson Creek Road
Jacksonville, OR 97530-9792

Each of the notices so mailed was a true copy of the original Trustee's Notice of Sale. 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 Portland, Oregon on February 10, 2003. With respect to each person listed above, one such notice was mailed by first class mail to the address indicated, and another such notice was mailed by certified mail with return receipt requested. Each such notice was mailed after the Notice of Default and Election to Sell was recorded and at least 120 days before the Trustee conducts the sale.

SUBSCRIBED AND SWORN to before me this 10th day of February, 2003.



OFFICIAL SEAL
KATHLEEN M. BIDDLE
NOTARY PUBLIC-OREGON
COMMISSION NO. 337875
ISSUED EXPIRES SEPT. 8, 2004

Susan McGonegal

Kathleen M Biddle

Notary Public for Oregon

My Commission Expires: 9/8/04

EXHIBIT A

33740

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

The Heritage Family Corporation
c/o Michael J. Bird, Attorney at Law
Brown, Hughes, Bird, Roke & Wetmore
612 NW 5th Street
Grants Pass, OR 97526

The Heritage Family Corporation
c/o Susan A. Dorsey
Registered Agent and President
2498 Heritage Way
Medford, OR 97504

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by Terry L. McCutcheon, as grantor, to AmeriTitle, as trustee, in favor of Forest Products Federal Credit Union, as beneficiary, dated January 10, 1997, and recorded on January 15, 1997, In Volume M97, Page 1222, Microfilm Records of Klamath County, Oregon.

The Trust Deed covers the following described real property ("Property") situated in said county and state, to-wit:

Lots 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.

There are defaults by the grantor or other person owing an obligation, the performance of which is secured by the Trust Deed, with respect to provisions therein which authorize sale in the event of default of such provision; the defaults for which foreclosure is made is grantor's failure to pay when due the following sums:

Arrearage in the sum of \$10,486.71 as of January 22, 2003, plus additional payments, property expenditures, taxes, liens, assessments, insurance, late fees, attorney's and trustee's fees and costs, and interest due at the time of reinstatement or sale.

By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

Payoff in the sum of \$110,466.19 as of January 22, 2003, plus taxes, liens, assessments, property expenditures, insurance, accruing interest, late fees, attorney's and trustee's fees and costs incurred by beneficiary or its assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on **June 13, 2003**, at the hour of **10:00 a.m.**, in accord with the standard of time established by ORS 187.110, at the following place: **main entrance of the Klamath County Courthouse, 316 Main Street, City of Klamath Falls, County of Klamath, State of Oregon**, sell at public auction to the highest bidder for cash the interest in the above-described Property, which the grantor had or had power to convey at the time of the execution by grantor of the said 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 obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee.

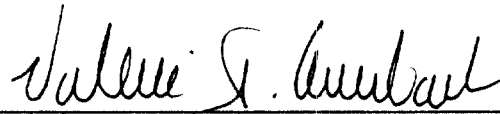
Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion 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 sum 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.

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 Deed of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR.

DATED: January 23, 2003.



Valerie T. Auerbach, Successor Trustee

Affidavit of Publication

33743

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 # 5616

Notice of Sale/McCutcheon

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:
March 28, April 4, 11, 18, 2003

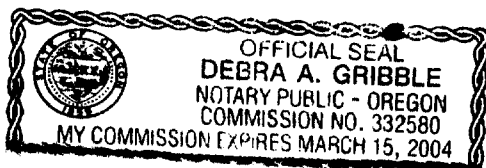
Total Cost: \$688.50

Subscribed and sworn

before me on: April 18, 2003

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 Terry L. McCutcheon, as grantor, to AmeriTitle, as trustee, in favor of Forest Products Federal Credit Union, as beneficiary, dated January 10, 1997, and recorded on January 15, 1997, in Volume M97, Page 1222, Microfilm Records of Klamath County, Oregon.

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There are defaults by the grantor or other person owing an obligation, the performance of which is secured by the Trust Deed, with respect to provisions therein which authorize sale in the event of default of such provision; the defaults for which foreclosure is made is grantor's failure to pay when due the following sums:

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WHEREFORE, notice hereby is given that the undersigned trustee will on June 13, 2003, at the hour of 10:00 a.m., in accord with the standard of time established by ORS 187.110, at the following place: main entrance of the Klamath County Courthouse, 316 Main Street, City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the above-described Property, which the grantor had or had power to convey at the time of the execution by grantor of the said 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 obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee.

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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 sum 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.

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 Deed of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

THIS IS A
COMMUNICATION
FROM A DEBT
COLLECTOR.

DATED: January 23, 2003.
Valerie T. Auerbach, Successor Trustee.
Farleigh, Wada & Witt, P.C., 121 SW Morrison St., Suite 600, Portland, OR 97204. (503) 228-6044.
#5616 March 28, April 4, 11, 18, 2003.

PROOF OF SERVICE JEFFERSON STATE ADJUSTERS

STATE OF: OREGON
COUNTY OF: KLAMATH

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: TRUSTEE'S NOTICE OF SALE

FOR THE WITHIN NAMED: OCCUPANTS OF 1110 WEST OREGON AVENUE KLAMATH FALLS, OREGON 97601

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

☒ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to Jana McCutcheon, 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

☐ **OTHER METHOD:** By leaving an Original or True Copy with _____.

☐ **NON OCCUPANCY:** I certify that I received the within document(s) for service on _____ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the 5th day of February, 2003 I mailed a copy of the Trustee's Notice of Sale addresses to Occupant(s) at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed _____

Jenny Johnson

1110 W. Oregon Ave Klamath Falls, OR 97601
ADDRESS OF SERVICE

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of 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.

February 4, 2003
DATE OF SERVICE

11:17 A.M.
TIME OF SERVICE

☐ or non occupancy

By: _____

Ed Foreman

Dated this 5th day of February, 2003.

Subscribed and sworn to before me by _____

Ed Foreman

Margaret A. Nielsen
Notary Public for Oregon

