

03 JUN 17 PM 2:55

Aspen 56596

AFFIDAVIT OF MAILING  
Trustee's Notice of Sale

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

I, Jeff Frazier, being first duly sworn, depose, 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 addresses, to-wit:

SEE Exhibit "A" Attached hereto and incorporated herein by this reference.

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 by Krista L. White or Robin P. Church, trustee named in said notice; each such copy was contained in a sealed envelope, 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 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.

Jeff Frazier

SUBSCRIBED AND SWORN TO before me this 5<sup>th</sup> day of March, 2003.

Leah A. Manson  
PRINTED NAME: **LEAH A. MANSON**

NOTARY PUBLIC in and for the State of Washington residing at Sno.  
My Appointment Expires: 10/21/03.

AFTER RECORDING RETURN TO:

BISHOP, LYNCH & White, P.S.  
720 Olive Way, Suite 1600  
Seattle, WA 98101-1801  
Attn:  
FORBASE\OREGOMNOD.FRM REV 3/5/03



State of Oregon, County of Klamath  
Recorded 06/17/2003 2:55P m.  
Vol M03 Pg 41513-21  
Linda Smith, County Clerk  
Fee \$ 6.00 # of Pgs 9

61A

## EXHIBIT A

## GRANTORS and ALL OTHER PARTIES:

Mark L. Nowning  
207 Nevada Street  
Klamath Falls, OR 97601

Barbara M. Nowning  
207 Nevada Street  
Klamath Falls, OR 97601

Occupants of the Premises  
207 Nevada Street  
Klamath Falls, OR 97601

City of Klamath Falls  
500 Klamath Ave.  
Klamath Falls, OR 97601

Mark L. Nowning  
3829 LaMarada  
Klamath Falls, OR 97601

Barbara M. Nowning  
3829 LaMarada  
Klamath Falls, OR 97601

Household Finance Corporation II  
2364 Poplar Drive  
Medford Square  
Medford, OR 97504

Household Finance Corporation II  
961 Weigel Drive  
Elmhurst, IL 60126

41515

230-X1358/Nowning

**AFFIDAVIT OF NON-OCCUPANCY**

STATE OF OREGON       )  
                                  ) ss.  
County of Klamath       )

I, Rob Girard, 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 3<sup>rd</sup> day of March 2003, after personal inspection, I found the following described real property to be unoccupied:

See Attached

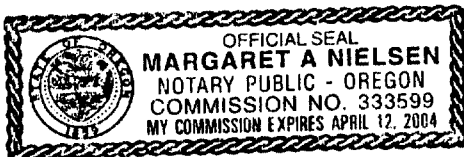
Commonly known as:   207 Nevada Street  
                                  Klamath Falls, OR 97601

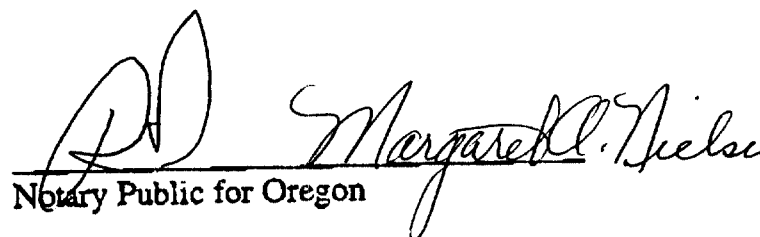
I declare under the penalty of perjury that the above statements are true and correct.

  
Rob Girard

263989

SUBSCRIBED AND SWORN to before me this 3 day of March 2003, by Rob Girard.



  
Notary Public for Oregon

# Affidavit of Publication

41516

## 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 # 5669

Notice of Sale/Nowning

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:

April 16, 23, 30, May 7, 2003

1

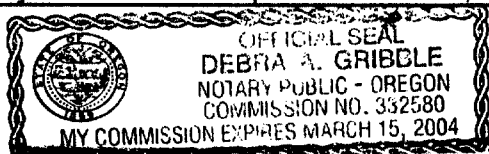
Total Cost: \$783.00

Subscribed and sworn

before me on: May 7, 2003

Notary Public of Oregon

My commission expires March 15, 2004



### TRUSTEE'S NOTICE OF SALE Notice: We Are Attempting To Collect A Debt, Any Information Obtained Will Be Used For Purposes Of Debt Collecting.

Reference is made to that certain trust deed made by Mark L. Nowning and Barbara M. Nowning, an estate in fee simple as tenants by the entirety, as grantor, to First American Title, as trustee, in favor of Household Finance Corporation II, as beneficiary, dated October 19, 1999, recorded October 22, 1999, in the mortgage records of Klamath County, Oregon, in Volume M99, Page 42189, covering the following described real property situated in said county and state, to-wit:

#### EXHIBIT "A"

That portion of Lot 1, Block 49, BUENA VISTA ADDITION TO THE CITY OF KLAMATH FALLS, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon, described as follows:

Beginning at the Southeast corner of said Lot 1, being the corner of Kiln Street and Nevada Avenue; thence Westerly along the Northwesterly line of Nevada Avenue 62.69 feet, more or less, to the Southwest corner of said Lot 1; thence Northerly along the Westerly line of said Lot, 140 feet; thence Easterly 90 feet, more or less, to the corner of Sequel and Kiln Street; thence Southerly along the

Westerly line of Kiln Street to the point of beginning.

Commonly known as: 207 Nevada Street, Klamath Falls, OR 97601.

Both the beneficiary and the trustee, Krista L. White, 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 for which the foreclosure is made is grantor's failure to pay when due the following sums:

1. Monthly Payments: Delinquent monthly payments from July 19, 2002 through February 19, 2003; 8 payment(s) at \$608.68 - \$4,869.44; TOTAL MONTHLY PAYMENTS AND LATE CHARGES: \$4,869.44. 2. Delinquent Real Property Taxes, if any.

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: Unpaid balance as of February 24, 2003 is \$60,830.45. Interest, late charges and advances for the protection and preservation of the property accrue after the date of this notice.

WHEREFORE, notice hereby is given that the undersigned trustee, Krista L. White will on July 2, 2003, at the hour of 11:00 AM in accord with the standard of time established by ORS 187.110, at the

front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, of Klamath County, 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 grantor of the said trust deed together with any interest which the grantor or grantor's 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), paying all advances authorized under the trust deed, including all costs and expenses incurred in enforcing the obligation and trust deed, and by curing any other default complained of therein 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.

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.

Dated: February 24, 2003. Krista L. White, Trustee. For information contact: Bishop, Lynch & White, P.S. 720 Olive Way, #1301, Seattle, WA 98101-1801. (206) 622-7527. Ref: Nowning, 230-X1358.01. #5669 April 16, 23, 30, May 7, 2003.

3410054  
After recording return to:  
BISHOP, LYNCH & WHITE, P.S.  
720 Olive Way, #1301  
Seattle, WA 98101-1801

Attn:

Nowning, 230-X1358.01

Recorded herewith are the following:

- ☐ Affidavit(s) of Mailing # \_\_\_\_\_
- ☐ Proof(s) of Service # \_\_\_\_\_
- ☐ Affidavit of Publication
- ☐ Certificate(s) of Mailing # \_\_\_\_\_
- ☐ Affidavit of Non-Occupancy

NOTICE: WE ARE ATTEMPTING TO COLLECT A DEBT, ANY INFORMATION OBTAINED WILL BE USED FOR PURPOSES OF DEBT COLLECTING.

#### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Mark L. Nowning and Barbara M. Nowning an estate in fee simple as tenants by the entirety, as grantor, to First American Title, as trustee, in favor of Household Finance Corporation II, as beneficiary, dated October 19, 1999, recorded October 22, 1999, in the mortgage records of Klamath County, Oregon, in Volume M99, Page 42189, covering the following described real property situated in said county and state, to-wit:

See Legal Description attached hereto as Exhibit "A" and incorporated herein by this reference.

Commonly known as: 207 Nevada Street, Klamath Falls, OR 97601

Both the beneficiary and the trustee, Krista L. White, 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 for which the foreclosure is made is grantor's failure to pay when due the following sums:

1.

#### Monthly Payments:

Delinquent monthly payments from July 19, 2002 through February 19, 2003

|   |               |          |            |
|---|---------------|----------|------------|
| 8 | Payment(s) at | \$608.68 | \$4,869.44 |
|---|---------------|----------|------------|

TOTAL MONTHLY PAYMENTS AND LATE CHARGES

\$4,869.44

2. Delinquent Real Property Taxes, if any.

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:

Unpaid balance as of February 24, 2003 is \$60,830.45. Interest, late charges and advances for the protection and preservation of the property accrue after the date of this notice.

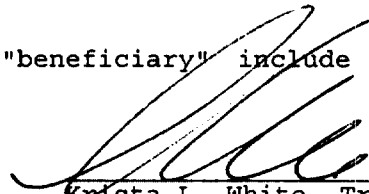
WHEREFORE, notice hereby is given that the undersigned trustee, Krista L. White will on July 2, 2003, at the hour of 11:00 o'clock a.m. , in accord with the standard of time established by ORS 187.110, at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls , of Klamath County, 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 grantor of the said trust deed together with any interest which the grantor or grantor's 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), paying all advances authorized under the trust deed, including all costs and expenses incurred in enforcing the obligation and trust deed, and by curing any other default complained of therein 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.

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.

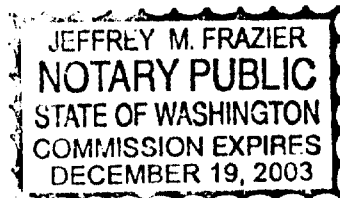
DATED: February 24, 2003.

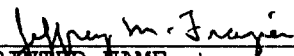
  
 Krista L. White, Trustee

State of Washington                    )  
   ) ss.  
 County of King                            )

I certify that I know or have satisfactory evidence that KRISTA L. WHITE is the person who appeared before me, and said person acknowledged that she signed the attached Trustee's Notice of Sale and acknowledged it to be her free and voluntary act and deed and for the uses and purposes mentioned in the instrument.

Dated this 24<sup>th</sup> day of February, 2003.



  
 PRINTED NAME: JEFFREY M. FRAZIER  
 Notary Public in and for the State of  
 Washington, residing at Seattle.  
 My Commission Expires: 12-19-03

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

For Information Contact:

Bishop, Lynch & White, P.S.  
 720 Olive Way, #1301  
 Seattle, WA 98101-1801  
 (206) 622-7527  
 Ref: Nowning, 230-X1358.01



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

That portion of Lot 1, Block 48, 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, described as follows:

Beginning at the Southeast corner of said Lot 1, being the corner of Kln Street and Nevada Avenue; thence Westerly along the Northernly line of Nevada Avenue 62.69 feet, more or less, to the Southwest corner of said Lot 1; thence Northernly along the Westerly line of said Lot 140 feet; thence Easterly 90 feet, more or less, to the corner of Sequel and Kln Street; thence Southernly along the Westerly line of Kln Street, to the point of beginning.