

03 OCT 10 PM 2:33

Vol M03 Page 75717

AFFIDAVIT OF MAILING
Trustee's Notice of Sale

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

State of Oregon, County of Klamath
Recorded 10/10/03 2:33 p. m
Vol M03 Pg 75717-27
Linda Smith, County Clerk
Fee \$ 7.00 # of Pgs 11

I, Apple Yang, 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 David Powel, 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.

Apple Yang

SUBSCRIBED AND SWORN TO before me this 17th day of July, 2003.

ESTHER LEE
PRINTED NAME: ESTHER LEE

NOTARY PUBLIC in and for the State of
Washington residing at Seattle
My Appointment Expires: 8-07

AFTER RECORDING RETURN TO:

BISHOP, LYNCH & White, P.S.
720 Olive Way, Suite 1600
Seattle, WA 98101-1801
Attn: John Edmundson
FOR LASE OREGON NOD.FRM REV 7/17/03



71A

EXHIBIT A

GRANTORS and ALL OTHER PARTIES:

James R.W. Harmon ✓
6408 Elder Way
Klamath Falls, OR 97603

Celia D. Harmon ✓
6408 Elder Way
Klamath Falls, OR 97603

Occupants of the Premises ✓
6408 Elder Way
Klamath Falls, OR 97603

City of Klamath Falls
Dept. Finance\Dept. Licenses
500 Klamath Ave.
Klamath, OR 97601

First National Bank
South Dakota ✓
6910 Pacific St. #200
Omaha, NE 68106

First National Bank South Dakota
c/o Derrick E. Mc Gavic ✓
P.O. Box 10163
Eugene, OR 97440

FIDELITY NATIONAL TITLE - NDS

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

Harmon, 230-x2269.01 *1341/075*
 Recorded herewith are the following:

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

ATE 51415

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 James R.W. Harmon, Celia D. Harmon, as grantor, to Amerititle, as trustee, in favor of TRANSAMERICA FINANCIAL SERVICES, as beneficiary, dated July 17, 1996, recorded July 30, 1996, in the mortgage records of Klamath County, Oregon, in Vol M96 Page 22997, covering the following described real property situated in said county and state, to-wit:

The Southwesterly 70 feet of Lot 53 and Northeasterly 30 feet of Lot 54, MOYINA, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Commonly known as: 6408 Elder Way, Klamath Falls, OR 97603

Both the beneficiary and the trustee, Krista L. White or David Powell, 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 December 1, 2002 through July 1, 2003

7	Payment(s) at	\$1,141.00	\$7,987.00
1	Payment(s) at	1,680.45	1,680.45

TOTAL MONTHLY PAYMENTS AND LATE CHARGES

\$9,667.45

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 is \$50,361.94 as of July 11, 2003. In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property may accrue after the date of this notice.

WHEREFORE, notice hereby is given that the undersigned trustee, Krista L. White or David Powell will on November 19, 2003, at the hour of 11:00 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: July 11, 2003.


David Powell, Trustee

State of Washington)
) ss.
County of King)

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

Dated this 11th day of July, 2003.


PRINTED NAME:

LEAH A. MANSON

Notary Public in and for the State of
Washington, residing at Seattle.
My Commission Expires:

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: Harmon, 230-x2269.01



230-X2269/HARMON

75722

PROOF OF SERVICE

STATE OF OREGON)
) ss.
County of Klamath)

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, upon the OCCUPANTS at the following address:

6408 ELDER WAY, KLAMATH FALLS, OREGON 97603, as follows:

Personal service upon Celia Harmon, by delivering said true copy, personally and in person, at the above address on July 9th, 2003 at 1:55 P.m.

Personal service upon _____, by delivering said true copy, personally and in person, at the above address on _____, 2003 at _____:_____m.

Substitute service upon James Harmon, by delivering said true copy, at his/her usual place of abode as indicated above, to Celia Harmon who is a person over the age of 14 years and a member of the household on July 9th, 2003 at 1:55 P.m.

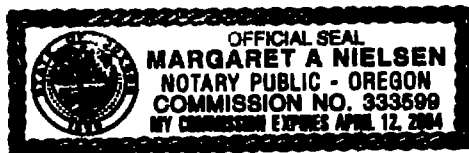
Substitute service upon _____, by delivering said true copy, at his/her usual place of abode as indicated above, to _____ who is a person over the age of 14 years and a member of the household on _____, 2003 at _____:_____m.

I declare under the penalty of perjury that the above statement is true and correct.


Rob Girard

271322

SUBSCRIBED AND SWORN to before me this 11th day of July, 2003 by Rob Girard.




Notary Public for Oregon

230-X2269/HARMON

75723

PROOF OF SERVICE

STATE OF OREGON)
) ss.
County of Klamath)

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, upon the **OCCUPANTS** at the following address:

6408 ELDER WAY, KLAMATH FALLS, OREGON 97603, as follows:

Personal service upon Celia Harmon, by delivering said true copy, personally and in person, at the above address on July 18, 2003 at 2:00 P.m.

Personal service upon _____, by delivering said true copy, personally and in person, at the above address on _____, 2003 at _____:_____.m.

Substitute service upon Jim Harmon, by delivering said true copy, at his/her usual place of abode as indicated above, to Celia Harmon who is a person over the age of 14 years and a member of the household on July 18, 2003 at 2:00 P.m.

Substitute service upon _____, by delivering said true copy, at his/her usual place of abode as indicated above, to _____ who is a person over the age of 14 years and a member of the household on _____, 2003 at _____:_____.m.

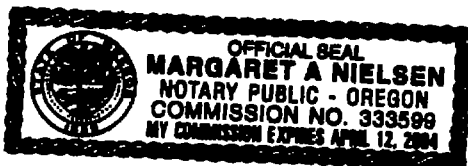
I declare under the penalty of perjury that the above statement is true and correct.




Rob Girard

271801

SUBSCRIBED AND SWORN to before me this 21 day of July, 2003 by Rob Girard.




Notary Public for Oregon

Affidavit of Publication

75724

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 # 6091

Notice of Sale/Harmon

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:
September 10, 17, 24, October 1, 2003.

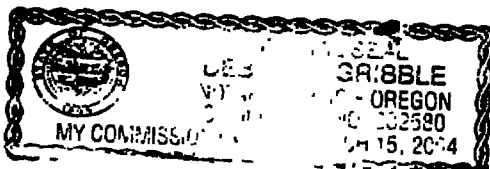
Total Cost: \$837.00

Larry L. Wells
Subscribed and sworn

before me on: October 1, 2003

Debra A. Snippe
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 James R.W. Harmon, Cella D. Harmon, as grantor, to Amerititle, as trustee, in favor of TRANSAMERICA FINANCIAL SERVICES, as beneficiary, dated July 17, 1996, recorded July 30, 1996, in the mortgage records of Klamath County, Oregon, in Vol M96 Page 22997, covering the following described real property situated in said county and state, to-wit:

The Southwesterly 70 feet of Lot 53 and Northeasterly 30 feet of Lot 54, MOYINA, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. Commonly known as: 6408 Elder Way, Klamath Falls, OR 97603.

Both the beneficiary and the trustee, Krista L. White or David Powell, 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 December 1, 2002 through July 1, 2003; 7 Payment(s)

at \$1,141.00, \$7,987.00; 1 Payment(s) at \$1,680.45, \$1,680.45. TOTAL MONTHLY PAYMENTS AND LATE CHARGES: \$9,667.45.

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 is \$50,361.94 as of July 11, 2003. In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property may accrue after the date of this notice.

WHEREFORE, notice hereby is given that the undersigned trustee, Krista L. White or David Powell will on November 19, 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

est 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: July 11, 2003.
David Powell, Trustee.

State of Washington,
County of King, ss.
I certify that I know or have satisfactory evidence that David Powell is the person who appeared before me, and said person acknowledged that he signed the attached Trustee's Notice of Sale and acknowledged it to be his free and voluntary Act and deed and for the uses and purposes mentioned in the instrument.

Dated this 11th day of July, 2003. Leah A. Manson, Notary Public in and for the State of Washington, residing at Seattle. My Commission Expires: 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: Harmon, 230-x2269.01, #4091 September 10, 17, 24. October 1, 2003.

BISHOP, LYNCH & WHITE, PS

OCT 08 2003

RECEIVED

CERTIFICATE OF MAILING

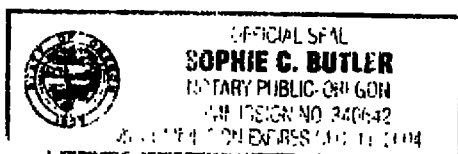
STATE OF OREGON)
) ss.
County of Multnomah)

I, Carol Stofiel, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On July 10th, 2003, I mailed a true copy of the Trustee's Notice of Sale, via First Class Mail, postage pre-paid, together with a statement of the date, time, and place at which substitute service was made, to **James Harmon**

The envelope was addressed as follows: **James Harmon**
6408 Elder Way
Klamath Falls, OR 97603

Carol Stofiel
Carol Stofiel 271322

SUBSCRIBED AND SWORN TO BEFORE ME this 10th day of July, 2003, by Carol Stofiel.



Sophie C. Butler
Notary Public for Oregon

CERTIFICATE OF MAILING

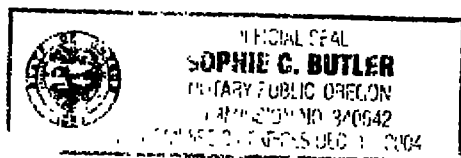
STATE OF OREGON)
) ss.
County of Multnomah)

I, Carol Stofiel, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On July 22nd, 2003, I mailed a true copy of the Trustee's Notice of Sale, along with the Notice Required By The Fair Debt Collection Practices Act, via First Class Mail, postage pre-paid, together with a statement of the date, time, and place at which substitute service was made, to **James R.W. Harmon**.

The envelope was addressed as follows: **James R.W. Harmon**
6408 Elder Way
Klamath Falls, OR 97603

Carol Stofiel
Carol Stofiel 271801

SUBSCRIBED AND SWORN TO BEFORE ME this 22nd day of July, 2003 by Carol Stofiel.



Sophie C. Butler
Notary Public for Oregon