

After Recording Return To:

Glenn H. Prohaska  
5901 SW Macadam - Ste. 230  
Portland, Oregon 97239

Vol M03 Page 80564

State of Oregon, County of Klamath  
Recorded 10/30/03 9:51 a m  
Vol M03 Pg 80564-68  
Linda Smith, County Clerk  
Fee \$ 4.00 # of Pgs 5

OCT 30 AM 9:51

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

STATE OF OREGON, County of Multnomah ) ss:

Glenn H. Prohaska, 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: Kirk and/or Katherine Holmes ADDRESS: POB 213, Forest Grove, OR 97116  
Kirk and/or Katherine Holmes (or current occupant) 17617 Hamaker Ln., 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 Glenn H. Prohaska, 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 Portland, Oregon on June 26, 2003. 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.

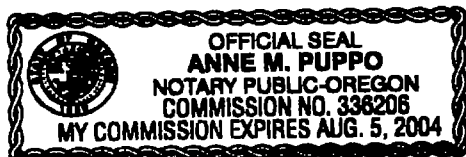


Glenn H. Prohaska, OSB #69140

Personally appeared before me the above named Glenn H. Prohaska on October 27, 2003 and acknowledged the foregoing to be his voluntary act and deed.



NOTARY PUBLIC FOR OREGON  
My Commission expires 8-5-2004



411

**80565**

**Court Case No.**  
**Sheriff's Case No. 03-01892**

I hereby certify that I received for service  
the within:

BY TERRI L ALEXANDER  
ALEXANDER, TERRI L

**OR 97201**

## TRUSTEE'S NOTICE OF SALE

80566

Reference is made to that certain trust deed made by Kirk Holmes and Katherine Holmes, as grantor(s), to Nancy Peterson, as trustee, in favor of Conseco Finance Servicing Corp. (fka Green Tree Financial Servicing Corporation), as beneficiary, dated August 7, 1998, recorded August 14, 1998, in the mortgage records of Klamath County, Oregon, as Fee No. /M98, Page 29859, covering the following described real property situated in said county and state, to wit:

Lot 13 in Block 24 of Tract No. 1005, FOURTH ADDITION TO KLAMATH RIVER ACRES,  
according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

which has the address commonly known as 17617 Hamaker Lane, Klamath Falls, OR 97601.

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 for which the foreclosure is made is grantor's failure to pay when due the following sums:

\$ 11,792.32 Total delinquent monthly payments and late chgs. due as of March 2003  
\$ 11,792.32 TOTAL AMOUNT REQUIRED TO REINSTATE AS OF March 2003


By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

\$ 110,282.10 Principal balance of loan  
\$ 110,282.10 TOTAL AMOUNT DUE AS OF March 2003

WHEREFORE, notice hereby is given that the undersigned trustee will on November 4, 2003, at the hour of 11:00 o'clock A.M., in accord with the standard of time established by ORS 187.110, at front steps of Klamath County Courthouse 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 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) 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 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 June 27, 2003

  
Trustee

STATE OF OREGON, County of Multnomah ) ss.

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

  
Glenn H. Prohaska, OSB #69140

SERVE: Kirk Holmes and/or Katherine Holmes (OR CURRENT OCCUPANT)  
17617 Hamaker Lane - Klamath Falls, OR 97601

# Affidavit of Publication

80567

## 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 # 6126

Notice of Sale/Holmes

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

Four

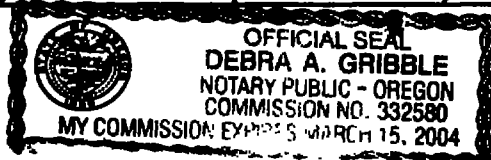
Insertion(s) in the following issues:  
September 24, October 1, 8, 15, 2003

Total Cost: \$621.00

Subscribed and sworn  
before me on: October 15, 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 by Kirk Holmes and Katherine Holmes, as grantor(s), to Nancy Peterson as trustee, in favor of Conesco Finance Servicing Corp. (fka Green Tree Financial Servicing Corporation), as beneficiary, dated August 7, 1998, in the mortgage records of Klamath County, Oregon, as Fee No. M98, Page 29857, covering the following described real property situated in said county and state, to wit:

Lot 13 in block 24 of Tract No. 1005, FOURTH ADDITION TO KLAMATH RIVER ACRES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

which has the address commonly known as 17617 Hamaker Lane, Klamath Falls, OR 97601.

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 for which the foreclosure is made is grantor's failure to pay when due the following sums:

\$11,792.32 - Total delinquent monthly payments and late chgs. due as of March 2003.  
\$11,792.32 - TOTAL AMOUNT REQUIRED TO REINSTATE AS OF March 2003.

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, these sums being the following, to-wit:

\$110,300.00 - Principal balance of loan.  
\$110,300.00 - TOTAL AMOUNT DUE AS OF March 2003.

Notice is hereby given that the undersigned trustee will on November 4, 2003, at the hour of 10:00 AM, 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 title, 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 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 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: June 27, 2003. Glenn H. Prohaska, Trustee, 5901 SW Macadam - Suite 220, Portland, OR 97239. (503) 241-0020. Fax (503) 223-4312.  
\$621 September 24, October 1, 8, 15, 2003.

**After Recording Return To:**

**80568**

Glenn H. Prohaska  
5901 SW Macadam - Ste. 230  
Portland, Oregon 97239


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**CERTIFICATE OF NON-MILITARY SERVICE**

STATE OF OREGON, County of Multnomah ) ss.

THIS IS TO CERTIFY that I am the beneficiary in that certain trust deed in which Kirk Holmes and Katherine Holmes as grantor, conveyed to Nancy Peterson as trustee, certain real property in Klamath County, Oregon. The trust deed was dated August 7, 1998 and recorded August 14, 1998 in the Records of that county, Recording No./Fee No./ M98, Page 29859. Thereafter, a Notice of Default with respect to the trust deed was recorded July 1, 2003 as Recording No./Fee No./Vol. M03, Page 45264. Thereafter, the trust deed was duly foreclosed by advertisement and sale, and the real property covered by the trust deed was sold at the trustee's sale on November 4, 2003. I reasonably believe that, at no time during the period of three months and one day immediately preceding the day of the sale, and including the day thereof, was the real property described in and covered by the trust deed, or any interest therein, owned by a person in the military service as defined in Article I of the "Soldiers' and Sailors' Civil Relief Act of 1940," as amended.

In construing this certificate the singular includes the plural, "grantor" includes any successor in interest to the grantor, "trustee" includes any successor trustee, and "beneficiary" includes any successor in interest to the beneficiary named in the trust deed.

  
Glenn H. Prohaska, OSB #69140

Personally appeared before me the above named Glenn H. Prohaska on October 27, 2003 and acknowledged the foregoing to be his voluntary act and deed.

  
NOTARY PUBLIC FOR OREGON  
My Commission expires 8-5-2004

