

RECORDING COVER SHEET
Pursuant to ORS 205.234

State of Oregon, County of Klamath
Recorded 11/14/03 3:34 p m
Vol M03 Pg 84660-66
Linda Smith, County Clerk
Fee \$ 61.00 # of Pgs 7

After recording return to:

Northwest Trustee Services, PLLC
Attention: Kathy Taggart
P.O. Box 4143
Bellevue, WA 98009-4143

- ✓ 1. **AFFIDAVIT OF MAILING**
- 2. **TRUSTEE'S NOTICE OF SALE**
- ✓ 3. **PROOF OF SERVICE**
- ✓ 4. **AFFIDAVIT OF PUBLICATION**

Original Grantor(s) on Trust Deed: William Logan Smith, Jr. and Erma E. Smith,
husband and wife

Beneficiary: Myrtle A. Steen and Sharon A. Ireland, also known as Sharon A. Lilya, not as
tenants in common but with the right of survivorship

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE
ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS CONTAINED IN
THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN
THE INSTRUMENT ITSELF.

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x10A

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

84661

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and 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 address, to-wit:

Kedrick Davis
1827 Portland Street
Klamath Falls, OR 97601

William Logan Smith, Jr.
1827 Portland Street
Klamath Falls, OR 97601

Erma E. Smith
1827 Portland Street
Klamath Falls, OR 97601

Kedrick Davis
5250 South Etna
Klamath Falls, OR 97603

William Logan Smith, Jr.
5250 South Etna
Klamath Falls, OR 97603

Erma E. Smith
5250 South Etna
Klamath Falls, OR 97603

William Logan Smith, Jr.
P.O. Box 20914
El Cajon, CA 92021

Erma E. Smith
P.O. Box 20914
El Cajon, CA 92021

Carter Jones Collections, LLC
1143 Pine Street
Klamath Falls, OR 97601

City of Klamath Falls
500 Klamath Avenue
Klamath Falls, OR 97601

Highland Community Federal Credit Union
3737 Shasta Way
Klamath Falls, OR 97603

Highland Community Federal Credit Union
c/o Neal G. Buchanan
435 Oak Avenue
Klamath Falls, OR 97603

Monogram Credit Card Bank of Georgia
c/o Gerald M. Chase, Attorney
722 Southwest 2nd Avenue, Suite 240
Portland, OR 97204

Monogram Credit Card Bank of Georgia
P.O. Box 628048
Orlando, FL 32862-9048

Monogram Credit Card Bank of Georgia
PO Box 9795
Macon, GA 31294-9544

Monogram Credit Card Bank of Georgia
7840 Roswell Road, Bldg. 100 Suite 210
Atlanta, GA 30350

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, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 8/4/03. 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 and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the 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.

STATE OF WASHINGTON)

COUNTY OF KING)

) ss.

I certify that I know or have satisfactory evidence that *[Signature]* is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: August 4, 2003

NOTARY PUBLIC in and for the State of
Washington, residing at Seattle
My commission expires 1-30-04

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from
Davis, Kedrick and Smith, William Logan Jr. and Erma E.
Grantor

to
Northwest Trustee Services, PLLC,
Trustee

File No. 7069-23886

After recording return to:
Northwest Trustee Services, PLLC (fka Northwest Trustee Services, LLC)
Attn: Kathy Taggart
P.O. Box 4143
Bellevue, WA 98009-4143

KEN L. PATNER
STATE OF WASHINGTON
NOTARY --- PUBLIC
MY COMMISSION EXPIRES 1-30-06

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by William Logan Smith, Jr. and Erma E. Smith, husband and wife, as grantor, to Transamerica Title Insurance Company, as trustee, in favor of Myrtle A. Steen and Sharon A. Ireland, also known as Sharon A. Lilya, not as tenants in common but with the right of survivorship, as beneficiary, dated 12/01/81, recorded 12/17/81, in the mortgage records of Klamath County, Oregon, as Book M-81, Page 21575 and subsequently assigned to The Bank of New York as Trustee, pursuant to the terms of that certain Pooling and Servicing Agreement dated as of April 1, 1996 related to Tryon Mortgage Pass-Through Certificates, Series 1996-1 by Assignment recorded as Book M-02, Page 35121, covering the following described real property situated in said county and state, to wit:

The Westerly 37 ½ feet of Lot 19, Block 29, of Hot Springs 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.

PROPERTY ADDRESS: 1827 Portland Street
Klamath Falls, OR 97601

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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: monthly payments of \$319.03 beginning 04/11/03; plus late charges of \$0.00 each month beginning 04/26/03; plus prior accrued late charges of \$0.00; plus advances of \$226.25; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$8,783.46 with interest thereon at the rate of 11 percent per annum beginning 03/11/03; plus late charges of \$0.00 each month beginning 04/26/03 until paid; plus prior accrued late charges of \$0.00; plus advances of \$226.25; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 5, 2003 at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, 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 described real property which the grantor had or had power to convey at the time of the execution by grantor of the 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 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.

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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.

The trustee's rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com.

Dated: _____

8.4, 2003

Northwest Trustee Services, PLLC*

By _____

Authorized Signature

*Northwest Trustee Services, PLLC was formerly known as Northwest Trustee Services, LLC

For further information, please contact:

Kathy Taggart
Northwest Trustee Services, PLLC
(fka Northwest Trustee Services, LLC)
P.O. Box 4143
Bellevue, WA 98009-4143
(425) 586-1900
File No. 7069.23886/Davis, Kedrick and Smith, William Logan Jr. and Erma E.

State of Washington, County of King) ss:

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

By Authorized Signer

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

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7069.23886/Smith

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 5th day of August 2003, after personal inspection, I found the following described real property to be unoccupied:

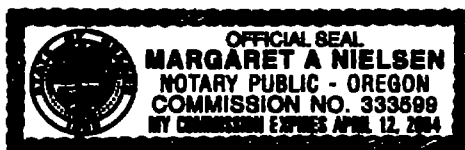
The Westerly 37 1/2 feet of Lot 19, Block 29, of Hot Springs Addition to the City of Klamath Falls, according to Official Plat thereof on File in the Office of the Clerk of Klamath County, Oregon.

Commonly known as: 1827 Portland Street
Klamath Falls, OR 97601

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


Rob Girard 272766

SUBSCRIBED AND SWORN to before me this 8 day of August 2003, by Rob Girard.



Margaret K. Nelson
Notary Public for Oregon

Affidavit of Publication

84665

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 # 6094

Notice of Sale/Smith

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 11, 18, 25, October 2, 2003

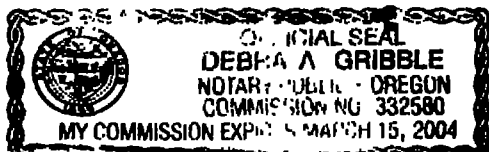
Total Cost: \$877.50

Subscribed and sworn

before me on: October 2, 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 William Logan Smith, Jr. and Erma E. Smith, husband and wife, as grantor, to Transamerica Title Insurance Company, as trustee, in favor of Myrtle A. Steen and Sharon A. Ireland, also known as Sharon A. Lilya, not as tenants in common but with the right of survivorship, as beneficiary, dated 12/01/81, recorded 12/17/81, in the mortgage records of Klamath County, Oregon, as Book M81, Page 21575 and subsequently assigned to the Bank of New York as Trustee pursuant to the terms of that certain Pooling and Servicing Agreement dated as of April 1, 1996 related to Tryon Mortgage Pass-Through Certificates, Series 1996-1 by Assignment recorded as Book M02, Page 35121, covering the following described real property situated in said county and state, to wit:

The Westerly 37 1/2 feet of Lot 19, Block 29, of Hot Springs 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. PROPERTY ADDRESS: 1827 Portland Street, Klamath Falls, OR 97601.

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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: monthly payments of \$319.03 beginning 04/11/03; plus late charges of \$0.00 each month beginning 04/26/03; plus prior accrued late charges of \$0.00; plus advances of \$226.25; together with the title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$8,783.46 with interest thereon at the rate of 11 percent per annum beginning 03/11/03; plus late charges of \$0.00 each month beginning 04/26/03 until paid; plus prior accrued late charges of \$0.00; plus advances of \$226.25; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, no-

tice hereby is given that the undersigned trustee will on December 5, 2003 at the hour of 10:00 AM in accord with the standard of time established by ORS 86.710, at the following place: Inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, 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 described real property which the grantor had or had power to convey at the time of the execution by grantor of the 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 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

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trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS §6.753.

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.

The trustee's rules of auction may be accessed at www.northwest-trustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com.

Dated: August 4, 2003. By: Kathy Taggart, Authorized Signature, Northwest Trustee Services, PLLC was formerly known as Northwest Trustee Services, LLC. For further information, please contact: Kathy Taggart, Northwest Trustee Services, PLLC (fka Northwest Trustee Services, LLC). PO Box 4143, Bellevue, WA 98009-4143. (425) 586-1900. File No. 7069.23686/Davis, Kedrick and Smith, William Logan Jr. and Erma E. #6094 September 11, 18, 25, October 2, 2003.

REC'D OCT 09 2003