

**AFFIDAVIT OF MAILING NOTICE OF SALE
OF TRUST DEED FORECLOSURE**

STATE OF OREGON, County of Deschutes) ss:

State of Oregon, County of Klamath
Recorded 12/12/03 10:06 a m
Vol M03 Pg 90532-34
Linda Smith, County Clerk
Fee \$ 3.00 # of Pgs 3

I, **Robert S. Lovlien**, being first duly sworn, depose and say:

That I am the Successor Trustee under a Trust Deed between DAVID BARTA and LYDIA BARTA, husband and wife, as Grantor, and Trustees of the Mullen Family Trust as Beneficiary, recorded December 16, 1998, in Book M98 at Page 45988, Klamath County, Oregon, Microfilm Records. The beneficial interest in said Trust Deed was subsequently assigned to Kerry S. Penn (as to a 51.3% interest) by instrument recorded December 16, 1998 in Book M98 at Page 45991, Klamath County, Oregon, Microfilm Records. The property is described in the attached NOTICE OF SALE.

I hereby certify that I mailed, by first class mail and by certified mail, return receipt requested, a copy of the attached NOTICE OF SALE to the persons listed below, on the date and to the address indicated, which was the last known address to the Successor Trustee and the Beneficiary, by placing said NOTICE in a sealed envelope, with postage fully paid thereon, and depositing the same in the United States Mail:

Date:

Person:

Address:

07/29/03

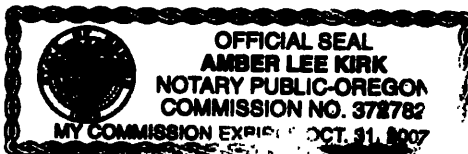
David & Lydia Barta

2121 Surrey Place
Campbell, CA 95008

Robert S. Lovlien

ROBERT S. LOVLIE, OSB 74197

SUBSCRIBED AND SWORN TO before me this and day of December, 2003.



Amber Lee Kirk
Notary Public for Oregon
My Commission Expires: 10/31/07

Form 12

JAB:jmk-Clients\Forms

pr

BRYANT, LOVLIE & JARVIS, PC

ATTORNEYS AT LAW, ESTABLISHED 1915

591 SW Mill View Way PO Box 1151 Bend, Oregon 97709-1151 (541) 382-4331 fax (541) 389-3386 www.bryantlovlienjarvis.com
24 SW Fifth Street Madras, Oregon 97741 (541) 475-2757 fax (541) 475-2962

NN

03 JUL 21 AM 8:09

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

Vol M03 Page 50924
90533

RE: Trust Deed from

David Barta and Lydia Barta,
husband and wife

To

Grantor

AmeriTitle

Trustee

After recording, return to (Name, Address, Zip):

Robert S. Lovlien
P.O. Box 1151
Bend, OR 97709

SPACE RESERVED
FOR
RECORDER'S USE

State of Oregon, County of Klamath
Recorded 07/21/2003 8:09 a. m.
Vol M03 Pg 50924-25
Linda Smith, County Clerk
Fee \$ 26.00 # of Pgs 2

ffixed.

Deputy.

DAVID BARTA and LYDIA BARTA,

Reference is made to that certain trust deed made by
husband and wife,

AMERITITLE

in favor of Trustees of the Mullen Family Trust, as beneficiary,
dated December 1, 1998, recorded on December 16, 1998
Klamath County, Oregon, in book/reel/volume No. M98 at page 45988 in the Records of
fee/file/instrument/microfilm/reception No. _____ (indicate which), covering the following described real property
situated in the above-mentioned county and state, to-wit:

Lot 3 of Tract No. 1287, Agency Lake Ranches, according
to the official plat thereof on file in the office of the
County Clerk of Klamath County, Oregon.

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of a successor trustee have been made, except as recorded in the Records of the county or counties in which the above-described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by grantor or other person owing an obligation, performance of which is secured by the trust deed, or by the successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision. The default for which foreclosure is made is grantor's failure to pay when due the following sums:

Failure to make payments in May and June of 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:
\$43,413.34 as of July 1, 2003.

(OVER)



Notice hereby is given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The sale will be held at the hour of 11:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on January 5, 2004, at the following place: Klamath County Courthouse
(Main Entrance) in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to grantor or of any lessee or other person in possession of or occupying the property, except:

Name and Last Known Address

Nature of Right, Lien or Interest

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 the 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 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED July 16, 2003.

Robert S. Lovlien
Successor Trustee

☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Deschutes

This instrument was acknowledged before me on July 16, 2003
by Robert S. Lovlien, Successor Trustee

This instrument was acknowledged before me on _____
by _____

as _____

of _____

Amber Lee Kirk
Notary Public for Oregon

My commission expires 10/31/03

