

'03 DEC 12 AM 10:06

Affidavit of Publication

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 # 6018

Notice of Sale/Barta

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:
August 4, 11, 18, 25, 2003

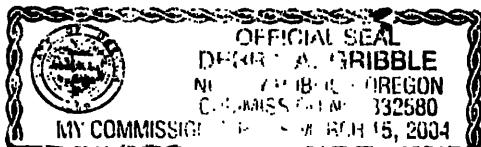
Total Cost: \$796.50

Subscribed and sworn

before me on: August 25, 2003

Notary Public of Oregon

My commission expires March 15, 2004



Rt. Bryant, Lovlien & Jones, PC

NOTICE OF
DEFAULT AND
ELECTION TO
SELL

Reference is made to that certain trust deed made by DAVID BARTA and LYDIA BARTA, husband and wife, as grantor to Ameri-title as trustee, in favor of Trustees of the Mullen Family Trust as beneficiary, dated December 1, 1998, recorded on December 16, 1998 in the Records of Klamath County, Oregon, in book/reel/ volume No. M98 at page 45988, and/or as fee/file/instrument/microfilm/reception No., 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.

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 AM 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: —

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'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 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;
PO Box 1151, Bend,
OR 97709. State of
Oregon, County of
Deschutes, ss. This
instrument was acknowledged before me on July 16, 2003 by Robert S. Lovlien, Successor Trustee. Amber Lee Kirk, Notary Public for Oregon. My commission expires on 10/31/03.
#6018 August 4, 11, 18, 25, 2003.

Pa