

'03 DEC 24 PM 12:58

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed from
Stephen Michael Foster

Vol M03 Page 93175

TO

Charlotte Ann Boucher, fka Charlotte Ann Storey, Beneficiary

State of Oregon, County of Klamath
Recorded 12/24/03 12:58 p.m.
Vol M03 Pg 93175-78
Linda Smith, County Clerk
Fee \$ 36.00 # of Pgs 4

After recording return to:

OC: Scott D. MacArthur, P.C.
280 Main Street
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Scott D. MacArthur, 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 Oregon, 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:

Stephen Michael Foster, P.O. Box 1076, Wheatland, CA 95692

Stephen Michael Foster, P.O. Box 77, Beatty, OR 97621

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.

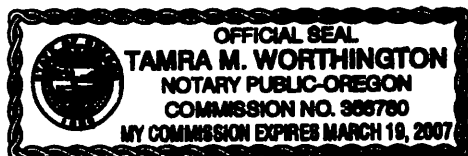
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on September 11, 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 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.

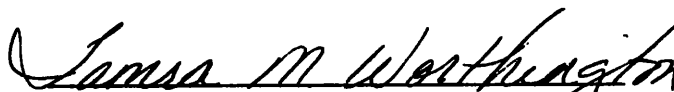
36v

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.


Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 22nd day of December, 2003.




Notary Public for Oregon
My commission expires March 19, 2007

AFFIDAVIT OF NON-OCCUPANCY

93177

STATE OF OREGON, County of Klamath) ss.

I, SCOTT D. MacARTHUR, being first duly sworn, depose and certify that:

I am the Successor Trustee under the Trust Deed delivered by Stephen Michael Foster as grantor to Mountain Title Company of Klamath County, as Trustee to Charlotte Ann Boucjer, fna Charlotte Ann Storey, dated November 14, 1984 and recorded November 27, 1984 at Volume M84, page 20058 of the Mortgage Records of Klamath County, Oregon covering the following described property situated in Klamath County, Oregon

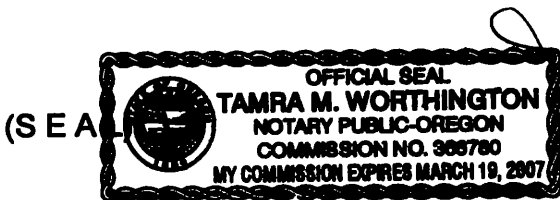
Exhibit "A" attached hereto and incorporated herein by this reference.

I hereby certify that the above described real property was not occupied at the time the Notice of Default and Election to Sell was recorded on August 18, 2003.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Scott D. MacArthur

Subscribed and sworn to before me this 22nd day of December, 2003.



Tamra M. Worthington
Notary Public for Oregon
My Commission Expires: March 19, 07

CERTIFICATE OF NON-OCCUPANCY STATE OF OREGON, County of Klamath)ss.

After Recording return to:
Scott D. MacArthur, P.C.
280 Main Street
Klamath Falls, OR 97601

Affidavit of Publication

93178

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 # 6221

Notice of Sale/Foster

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

Four

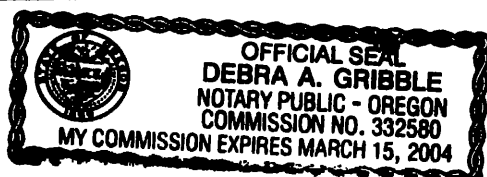
Insertion(s) in the following issues:
November 2, 9, 16, 23, 2003

Total Cost: \$648.00

Larry L. Wells
Subscribed and sworn
before me on: November 23, 2003

Debra A. Gribble
Notary Public of Oregon

My commission expires March 15, 2004



NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by STEVEN MICHAEL FOSTER, as grantor to AMERITITLE, INC., as trustee in favor of CHARLOTTE ANN STOREY and ROBERT L. BOUCHER, as beneficiary, dated November 14, 1984, recorded November 27, 1984, in the mortgage records of Klamath County, Oregon, in book/reel /volume No. M84 at page 20058, covering the following described real property situated in said county and state, to-wit:

Parcel 1: The N 1/2 of the NW 1/4 of the NE 1/4 of the NW 1/4 of Section 17, Township 35 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

Parcel 2: The SW 1/4 of the NE 1/4 of the NW 1/4 of Section 17, Township 35 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, and the S 1/2 of the NW 1/4 of the NE 1/4 of the NW 1/4 of Section 17, Township 35 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

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 Section 86.735(3) of Oregon Revised Statutes. The Default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Payments in the amount of \$159.03 per month from May 1995 through the present.

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: \$17,352.30 as of May 1, 1995 plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 22, 2003 at the hour of 10:00 Standard time, as established by Section 187.110, Oregon Revised Statutes, at 280 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 said described real property which the grantors had or had power to convey at the time of the execution by him of said trust deed, to satisfy the foregoing obligations thereby secured and the costs or their 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 Section 86.753 of Oregon Revised Statutes has

the right, at any time prior to five days before the trustee conducts 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 Section 86.753 of Oregon Revised Statutes.

In construing this notice, the masculine gender includes the feminine and the neuter, 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: October 28, 2003. Scott D. MacArthur, Successor Trustee (641) 851-0571. #6221 November 2, 9, 16, 23, 2003.