

MTC - 68407

Vol M04 Page 06373

State of Oregon, County of Klamath  
 Recorded 02/02/2004 3:04 p m  
 Vol M04 Pg 6373-81  
 Linda Smith, County Clerk  
 Fee \$ 61.00 # of Pgs 9

GRANTOR: BRUCE DEMELLO

BENEFICIARY: ORAL L. BELL and HELEN BELL, TRUSTEES OF THE BELL'S MASTER COLLABORATIVE TRUST DATED MARCH 9, 1994, (previously erroneously referred to as THE BELL MASTER COLLABORATIVE TRUST DATED MARCH 9, 2000)

Deed of Trust dated October 25, 2002, and recorded on November 14, 2002, in the Klamath County Records in Vol. M02, Page 66035, Official Records of Klamath County, Oregon.

**AFFIDAVIT OF MAILING AND SERVICE  
OF THE TRUSTEE'S NOTICE OF SALE**

STATE OF OREGON       )  
                                   : ss.  
 County of Jackson     )

I, LEE A. MILLS, 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 his successor in interest named in the attached original Notice of Sale given under the terms of that certain Deed of Trust described in said Notice.

I gave notice of the sale of the real property described in the attached Trustee's Notice of Sale by personal service upon Mr. Demello and by mailing a copy thereof by both first class and certified mail with return receipt requested to the following named persons (or their legal representatives, where so indicated) at their last known addresses, to-wit:

AFFIDAVIT OF MAILING AND SERVICE OF  
THE TRUSTEE'S NOTICE OF SALE

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61.00  
pm

Return TO: *Phoebe, mills*  
*201 West main*  
*Medford, OR 97501*

<u>Name</u>	<u>Address</u>	<u>Date of Mailing Notice</u>
Mr. Bruce Demello	c/o East Main Brake 1221 East Main Street Klamath Falls, OR 97601	PERSONAL SERVICE on October 9, 2003
Mr. Bruce Demello	13821 Cardinal Drive Bonanza, OR 97624	October 10, 2003
Ms. Lore J. Heymann	c/o Steven Heymann 120 Rudy Road Los Gatos, CA 95033	October 10, 2003
Ms. Lore J. Heymann	c/o Sandra K. McBeth Attorney at Law 1410 Marsh Street San Louis Obispo, CA 93406	October 10, 2003
Ms. Lore J. Heymann	c/o Sandra K. McBeth Attorney at Law P.O. Box 1586 San Louis Obispo, CA 93406	October 10, 2003
Ms. Marilyn Scoggins, Trustee of the Marilyn Scoggins Trust	c/o Jake Anderson 1802 Alma Court Grover Beach, CA 93433	October 10, 2003
Ms. Marilyn Scoggins, Trustee of the Marilyn Scoggins Trust	c/o Anderson Financial 405 East Branch Street Arroyo Grande, CA 93420	October 10, 2003

Said persons include (a) the Grantor in the Deed of Trust, (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.

The Trustee's Notice of Sale was also personally served on Grantor on October 9, 2003, by Joseph R. Mountain. The Declaration of Service of Mr. Mountain is attached hereto.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by Lee A. Mills, 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 mail at Medford, Oregon, on the dates specified above. 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 by certified mail 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. A copy of the Trustee's Notice of Sale is attached hereto.

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

*Lee A. Mills*

LEE A. MILLS

SUBSCRIBED AND SWORN to before me this 30<sup>th</sup> day of January, 2004.



*Jana L. Goodman*  
NOTARY PUBLIC - STATE OF OREGON  
My Commission expires: Sept. 14, 2007.

AFTER RECORDING RETURN TO:

Lee A. Mills  
BROPHY, MILLS, SCHMOR  
GERKING & BROPHY, LLP  
P. O. Box 128  
Medford, OR 97501

AFFIDAVIT OF MAILING AND SERVICE OF  
THE TRUSTEE'S NOTICE OF SALE

06376

JOSEPH "R" MOUNTAIN  
INVESTIGATIONS

BRUCE DEMELLO,  
Grantor,

AMERITITLE,  
Trustee.

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DECLARATION OF SERVICE

I, JOSEPH "R" MOUNTAIN do hereby certify and declare that on OCTOBER 9, 2003 at the approximate time of 5:00 P.M. I served the TRUSTEE'S NOTICE OF SALE in the above action on MR. BRUCE DEMELLO by handing Him the papers, at his place of employment, East Main Brake and Wheel, located 1221 East Main Street, Klamath Falls, Klamath County, Oregon 97601

I further certify that I am a competent person over the age of 18 years, a resident of the State of Oregon, not a party to, nor an Officer, Director for, employee of, nor Attorney for any party, corporate, or otherwise; that the person, firm, or corporation served by me is the identical person, firm, or corporation named in the action.

Dated this the 28th day of October, 2003

  
Joseph "R" Mountain

803 MAIN STREET, SUITE 203, KLAMATH FALLS, OREGON 97601  
TEL: (541) 273-8368, TEL/FAX: (541) 273-8507  
OREGON INVESTIGATORS LICENSE #1998261

**TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain Deed of Trust made by BRUCE DEMELLO as Grantor, and AMERITITLE as Trustee, in favor of ORAL L. BELL and HELEN BELL TRUSTEES OF THE BELL'S MASTER COLLABORATIVE TRUST DATED MARCH 9, 1994, (previously erroneously referred to as THE BELL MASTER COLLABORATIVE TRUST DATED MARCH 9, 2000) as Beneficiary, dated October 25, 2002, recorded November 14, 2002, in Vol. M02, Page 66035, Official Records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit:

Lots 23, 24 and 25, Block 91, Klamath Falls Forest Estates Highway  
66 Unit, Plat No. 4, in the County of Klamath, State of Oregon.

Code 114	Map 3711-22AO	TL	2800
Code 36	Map 3711-22AO	TL	2900 & 3000

The Trustee and Beneficiary have elected to sell said real property to satisfy the obligations secured by the Trust Deed and a Notice of Default has been recorded pursuant to ORS 86.735. The default for which foreclosure is made is Grantor's failure to pay when due the following sums:

Failure to pay the March, April, May, June, July and August 2003  
payments of \$608.96 each, together with late charges of \$28.20each.

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:

- 1) Principal amount \$46,908.68;
- 2) Interest on the principal amount of \$176.50 to March 3, 2003, and thereafter at the rate of 12% per annum, from March 4, 2003, until paid;
- 3) Late charges of \$28.20 for each month a payment is late;
- 4) The cost of Trustee's foreclosure report; and,

- 5) All other costs and expenses actually incurred in enforcing the obligation and trust deed, together with the trustees and attorneys fees not exceeding the amount provided by Oregon Revised Statutes (ORS) 86.753 associated with this foreclosure and any sums expended by beneficiary to protect the property, or its interests therein during the pendency of this proceeding

Notice hereby is given that the Beneficiary and Trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes Sections 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the said described property which the Grantor had, or had the power to convey, at the time of the execution by him of the Trust Deed, together with any interest the Grantor or his successors-in-interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said 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.

Said sale will be held at the hour of 2:00 p.m., as established by Section 187.110 of Oregon Revised Statutes on March 12, 2004, at the following place: The front steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon 97601, which is the hour, date and place fixed by the Trustee for said sale.

Other than as shown of record, neither the said Beneficiary nor the said 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 interests of the Trustee in the Trust Deed, or of any successor-in-interest to the Grantor or of any lessee or other person in possession of or occupying the property, except: None

Notice is further given that any person named in ORS 86.753 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 due at the time of cure under the terms of the obligation (other than such portion 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 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

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deed, and the words "Trustee" and "Beneficiary" include their respective successors-in-interest, if any.

DATED: September 18, 2003.

Todd B. Maddox  
Todd B. Maddox, Successor Trustee

STATE OF OREGON     )  
                                      : ss.  
County of Jackson     )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of September, 2003, by Todd B. Maddox.



Jana L. Goodman  
NOTARY PUBLIC - STATE OF OREGON  
My Commission expires: Sept. 14, 2007.

# Affidavit of Publication

06380

## 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 # 6329

Notice of Sale/DeMello

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:  
January 7, 14, 21, 28, 2004

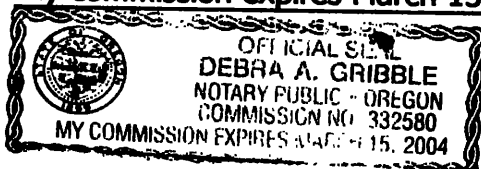
Total Cost: \$891.00

*Larry L. Wells*  
Subscribed and sworn

before me on: January 28, 2004

*Debra A. Gribble*  
Notary Public of Oregon

My commission expires March 15, 2004



### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Deed of Trust made by BRUCE DEMELLO as Grantor, and AMERITITLE as Trustee, in favor of ORAL L. BELL and HELEN BELL TRUSTEES OF THE BELL'S MASTER COLLABORATIVE TRUST DATED MARCH 9, 1994, (previously erroneously referred to as THE BELL MASTER COLLABORATIVE TRUST DATED MARCH 9, 2000) as Beneficiary, dated October 25, 2002, recorded November 14, 2002, in Vol. M02, Page 66035, Official Records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit:

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The Trustee and Beneficiary have elected to sell said real property to satisfy the obligations secured by the Trust Deed and a Notice of Default has been recorded pursuant to ORS 86.735. The default for which foreclosure is made is Grantor's failure to pay when due the following sums:

Failure to pay the March, April, May, June, July and August 2003 payments of \$608.96 each, together with late charges of \$28.20 each.

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:

1) Principal amount \$46,908.68; 2) Interest on the principal amount of \$176.50 to March 3, 2003, and thereafter at the rate of 12% per annum, from March 4, 2003, until paid; 3) Late charges of \$28.20 for each month a payment is late; 4) The cost of Trustee's foreclosure report; and, 5) all other costs and expenses actually incurred in enforcing the obligation and trust deed, together with the trustee's and attorney's fees not exceeding the amount provided by Oregon Revised Statutes (ORS) 86.753 associated with this foreclosure and any sums expended by beneficiary to protect the property, or its interests therein during the pendency of this proceeding.

Notice hereby is given that the Beneficiary and Trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale, pursuant to Oregon Revised Statutes Sections 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the said described property which the Grantor had, or had the power to convey, at the time of the execution by him of the Trust Deed, together with any interest the Grantor

or his successors-in-interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said 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.

Said sale will be held at the hour of 2:00 PM, as established by Section 187.110 of Oregon Revised Statutes on March 12, 2004, at the following place: The front steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon 97601, which is the hour, date and place fixed by the Trustee for said sale.

Other than as shown of record, neither the said Beneficiary nor the said 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 interests of the Trustee in the Trust Deed, or of any successor-in-interest to the Grantor or of any lessee or other person in possession of or occupying the property, except: None.

Notice is further given that any person named in ORS 86.753 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 due at the time of cure under the



terms of the obligation (other than such portion 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 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: September 18, 2003. Todd B. Maddox, Successor

Trustee. STATE OF OREGON) County of Jackson) ss. The foregoing Instrument was acknowledged before me this 18th day of September, 2003, by Todd B. Maddox. Jana L. Goodman, Notary Public, State of Oregon. My Commission expires: Sept. 14, 2007. Brophy, Mills, Schmor, Gerking & Brophy, LLP, Attorneys at Law, 201 West Main, PO Box 128, Medford, OR 97501. #6329 January 7, 14, 21, 28, 2004.