

NT

04 FEB 18 AM 9:03

Vol M04 Page 09150

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Ernst Brothers, LLC

To

Grantor

Neal Buchanan

 SPACE RESERVED
FOR
RECORDER'S USE

Trustee

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

Patrick G. Huycke

 PH Huycke, O'Connor & Jarvis, LLP
502 West Main Street, #102
Medford, OR 97501

 State of Oregon, County of Klamath
Recorded 02/18/2004 9103a m
Vol M04 Pg 9150-57
Linda Smith, County Clerk
Fee \$ 4.00 # of Pgs 5
STATE OF OREGON, County of Jackson) ss:I, Darrel R. Jarvis

, being first duly sworn, depose, and say 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 the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in the notice of sale.

I gave notice of the sale of the real property described in the attached trustee's Notice of Sale by mailing copies 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:

NAME

ADDRESS

SEE EXHIBIT "A"

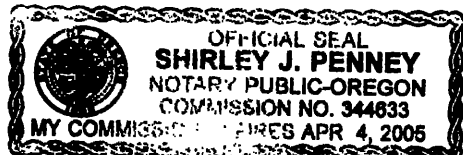
These persons include (a) the grantor in the trust deed; (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice; (c) any person, including the Department of Revenue or any other state agency, having a lien or 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 set forth in ORS 86.785.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by _____

Darrel R. Jarvis

_____, attorney for the trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Medford, Oregon, on February 12, 2004. 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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

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

Darrel R. JarvisSubscribed and sworn to before me on February 12, 2004Shirley J. Penney
Notary Public for OregonMy commission expires 4-4-05

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

EXHIBIT "A"

Ernst Brothers, LLC
c/o Wayne G. Ernst
150 Mountain View Drive
Gilchrist OR 97737

Crescent Oil Group, LLC
c/o Wayne G. Ernst
150 Mountain View Drive
Gilchrist OR 97737

Crescent Oil Company, Inc.
c/o Wayne G. Ernst
150 Mountain View Drive
Gilchrist OR 97737

Crescent Oil Company, Inc.
c/o Wayne G. Ernst
PO Box 617
Gilchrist OR 97737

Crescent Oil Company, Inc.
c/o Wayne G. Ernst
Highway 97
Crescent, OR 97733

Mollie's Truck Stop
3817 Highway 97 North
Klamath Falls, OR 97601

Mollie's Truck Stop
c/o Crescent Oil Group, LLC
c/o Wayne G. Ernst
150 Mountain View Drive
Gilchrist, OR 97737

South Valley Bank & Trust
c/o William G. Castle
President/CEO
5215 S. Sixth Street
Klamath Falls, OR 97603

South Valley Bank & Trust
c/o William G. Castle
President/CEO
PO Box 5210
Klamath Falls, OR 97601

NN

TRUSTEE'S NOTICE OF SALE

09152

Reference is made to that certain trust deed made by Ernst Brothers, LLC

to Neal Buchanan, as grantor,
 in favor of Howard Charles Hassett 1994 Trust UTD 9/27/94 and the Mary Ann Hassett 1994 Trust UTD 9/27/94, as trustee,
 dated January 26, 2000, recorded on April 24, 2000, in the Records of

Klamath County, Oregon, in Book 13954 Volume No. M00 at page 13954, of ~~the~~
~~rec./the instrument/microfilm/reception No.~~ records (indicate which), covering the following described real property

situated in that county and state, to-wit: SEE EXHIBIT A ATTACHED HERETO
 *The beneficial interest under said Trust Deed was assigned by instrument dated 12/27/01, recorded 12/27/01, in Vol. M01, page 66327, Microfilm Records of Klamath County, Oregon from Howard Charles Hassett 9994 Trust dated 9/27/94, and the Mary Ann Hassett 1994 Trust dated 9/27/94 to Patrick G. Huycke, Trustee of the Huycke, Boyd & Maulding, LLP 401K Profit Sharing Plan nka the Huycke' O'Connor & Jarvis, LLP 401K Profit Sharing Plan, fgo Patrick G. Huycke.

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 in grantor's failure to pay when due the following sums: Failure to pay the balance of principal and interest due on February 27, 2003, total now due \$451,753.88, plus accrued interest owing to February 4, 2004, in the amount of \$6,764.53, plus interest on the unpaid principal balance from and after February 4, 2004, until paid, at the rate of 15% per annum.

By reason of the default just described, 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: \$451,753.88, plus accrued interest owing to February 4, 2004, in the amount of \$6,764.53, plus interest on the unpaid principal balance from and after February 4, 2004, until paid, at the rate of 15% per annum.

WHEREFORE, notice is hereby given that the undersigned trustee will on July 12, 2004, at the hour of 11 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at front entrance 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 real property described above 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 the 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 those 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 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 February 10 2004

Darrel K. Jarvis

Successor Trustee

State of Oregon, County of Jackson) ss.

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Attorney for Trustee

SERVE:*

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

The following described real property situated in Klamath County, Oregon:

A piece or parcel of land situated in the NE 1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon and more particularly described as follows:

Beginning at an iron pipe which is South 0 degrees 06' West 323.4 feet and North 89 degrees 49' West 234.2 feet from the NE Section Corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon which point of beginning is also the NE corner of that certain tract of land conveyed to Elmer W. and Flora M. Zigler on page 238 Deed Volume 278 of the records of Klamath County, Oregon; thence North 89 degrees 49' West along the Northerly boundary of said tract of land conveyed on page 238 Deed Volume 278, a distance of 334.8 feet to an iron pipe set at its intersection with a line which is parallel to and 192.77 feet Northeasterly of, when measured at right angles to, the Northeasterly right of way line of the Dalles-California Highway (No. US97) as the same is now located across said Section 19; thence North 38 degrees 52' West parallel to and 192.77 feet distant from said Northeasterly highway right of way line a distance of 147.25 feet to an iron pipe; thence South 89 degrees 49' East a distance of 427.3 feet to an iron pipe; thence South 0 degrees 06' West a distance of 114.35 feet more or less, to the point of beginning.

PARCEL 2

Beginning at a point which is South 0 degrees 06' West a distant 477.4 feet and North 89 degrees 49' West a distance of 234.2 feet from the Northeast corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence North 0 degrees 06' East a distance of 154 feet to a point; thence North 89 degrees 49' West a distance of 336 feet, more or less, to a point on a line which is parallel to and distant 192.77 feet at right angles from the Northeasterly right of way line of the Dalles-California Highway; thence South 38 degrees 52' East a distance of 200 feet, more or less, to a point which is North 0 degrees 06' East a distance of 211.1 feet from the North line of Byrd Avenue in Chelsea Addition; thence South 89 degrees 49' East a distance of 210.2 feet to the place of beginning, being in the NE 1/4 NE 1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 3

All that portion of the NE 1/4 NE 1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a section corner common to Sections 17, 18, 19, and 20, said Township and Range; thence South 0 degrees 06' West along the East line of said Section 19, a distance of 388.5 feet to a point; thence North 89 degrees 49' West a distance of 174.2 feet to a point; thence South 0 degrees 06' West a distance of 300.0 feet to a point on the North line of Byrd Avenue; thence West along said North line a distance of 60 feet to a point; thence North 0 degrees 06' East a distance of 479.45 feet to a point; thence North 89 degrees 44' West a distance of 427.3 feet to a point; thence North 38 degrees 46' West a distance of 268.15 feet to a point on the North line of said Section 19; thence South 89 degrees 44' East along said North line a distance of 833.95 feet to the point of beginning.

PARCEL 3 (continued):

EXCEPTING THEREFROM a tract of land situated in the NE1/4 NE1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the section corner common to Sections 17, 18, 19 and 20, said Township and Range; thence South 0 degrees 06' West along the East line of said Section 19, a distance of 388.5 feet to a point; thence North 89 degrees 49' West a distance of 174.2 feet to a point; thence South 0 degrees 06' West a distance of 89 feet to the True Point of Beginning of this description; thence continuing South 0 degrees 06' West a distance of 211 feet to a point on the North line of Byrd Avenue; thence West along said North line a distance of 60 feet to a point; thence North 0 degrees 06' East a distance of 211 feet to a point; thence South 89 degrees 49' East 60 feet to the point of beginning.

PARCEL 4

Beginning at a point on the Northeasterly right of way line of State Highway No. 97 which lies South 0 degrees 06' West along the East section line a distance of 688.5 feet and North 89 degrees 49' West along the North line of Byrd Avenue in Chelsea Addition, a distance of 521.6 feet and North 38 degrees 52' West along the Northeasterly right of way line of State Highway No. 97 (Note: State Highway bearing of this line shows North 39 degrees 7 1/2' West) a distance of 130.55 feet from the iron axle which marks the Northeast corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, running thence; continuing North 38 degrees 52' West along the Northeasterly right of way line of State Highway No. 97, a distance of 250 feet to a point; thence North 51 degrees 08' East a distance of 192.77 feet to a point; thence South 38 degrees 52' East a distance of 250 feet to a point; thence South 51 degrees 08' West a distance of 192.77 feet, more or less to the point of beginning, in the NE 1/4 NE 1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

All inventory, equipment, accounts, contract rights and name associated with the above described real property and products of such personal property shall also be sold pursuant to this Notice of Default and Election to Sell, the beneficiary being granted a security interest in such personal property pursuant to a Security Agreement made by Crescent Oil Group, LLC, an Oregon limited liability company, as assignee of Crescent Oil Company, Inc., dated January 26, 2000.