

04 FEB 19 PM 3:31

NK - 59630

Vol M04 Page 09601

State of Oregon, County of Klamath
Recorded 02/19/2004 3:31 p m
Vol M04 Pg 9601-06
Linda Smith, County Clerk
Fee \$ 46.00 # of Pgs 6

AFFIDAVIT OF MAILING

STATE OF OREGON)
)
COUNTY OF JACKSON)

I, JOAN CHRISTOPHER, of DAVIS, GILSTRAP, HEARN, SALADOFF & SMITH, P.C. of Ashland, Oregon, hereby certify that I mailed a copy of the Trustee's Notice of Sale which is attached hereto unto the following persons or entities pursuant to the provisions of ORS 86.740(1). The Notice was sent by Certified and First Class Mail on October 20, 2003, in letters addressed to:

Kenneth L. Douglas
1874 Academy
Klamath Falls OR 97601

Gayle Payne Nicholson
Trustee of the
Susan G. Sweet Revocable Trust
403 Main Street
Klamath Falls OR 97601

Ford Motor Credit Co.
c/o Chelsea S. Lewandowski
Attorney at Law
1100 SW 6th Avenue #1507
Portland OR 97204

State of Oregon
Circuit Court for Klamath County
316 Main Street
Klamath Falls, OR 97601

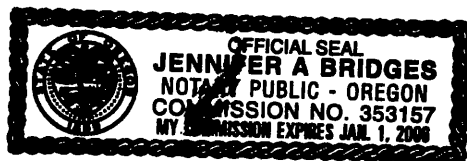
Tim Wogamon
601 S Ely Blvd
Petaluma CA 94954

Oregon Department of
Human Resources
39 N Central Avenue
Medford OR 97501-5923

State of Oregon
Circuit Court for Klamath County
316 Main Street
Klamath Falls OR 97601

Joan Christopher
JOAN CHRISTOPHER

SUBSCRIBED AND SWORN to before me this 21st day of October, 2003.



Jennifer Bridges
Notary Public for Oregon
My Commission Expires: 01/06

LAW OFFICES OF
DAVIS, GILSTRAP, HEARN, SALADOFF & SMITH
A Professional Corporation
515 EAST MAIN STREET
ASHLAND, OREGON 97520
(541) 482-3111 FAX (541) 488-4455

Affidavit of Mailing -1-

460 AM

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by Leanne R. Mitchel, as grantor, to AmeriTitle, as trustee, to secure certain obligations in favor of Vernon G. Ludwig and Ofelia Ludwig, as beneficiary, dated October 23, 2000, and recorded in Volume M00, Page 39771 of the Official Records of Klamath County, Oregon, on October 31, 2000, covering the following described real property, to wit:

See Exhibit "A" attached.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and to foreclose said trust deed by advertisement and sale. The default for which the foreclosure is made is grantor's failure to pay when due the following sums owing on said obligations, which sums are now past due, owing and delinquent:

Monthly installments of \$500.00 per month, beginning with the installment due August 27, 2002, and monthly installments in the same amount due the 27th day of each month thereafter.

By reason of said default, and grantor's failure to pay the real property taxes owing for fiscal years 2001-2002 and 2002-2003, the beneficiary has declared the entire unpaid balance of all obligations secured by said trust deed together with the interest thereon, immediately due, owing and payable, said sums being the following to wit:

\$50,000.00 together with interest thereon at the rate of 12% per annum from August 9, 2003, until paid, plus a late fee of \$25 for any payment not received within 15 days of its due date, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said trust deed.

A notice of default and election to sell and to foreclose was duly recorded in Volume M03, Page 75630 of the Official Records of Klamath County, State of Oregon. Said Notice of Default and Election to Sell was recorded October 10, 2003.

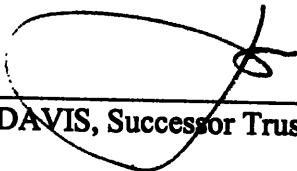
WHEREFORE, NOTICE HEREBY IS GIVEN that the undersigned trustee will on the 2nd day of March, 2004, at the hour of 10:00 o'clock a.m., Pacific Time as established by Section 187.110, Oregon Revised Statutes, at the offices of AmeriTitle, 222 S. Sixth Street in Klamath Falls, OR 97601, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution of the said trust deed, together with any interest which the grantor or 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

09603

is further given that certain persons referred to in the Oregon Revised Statutes have the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had no default occurred) together with costs, trustee's and attorney's fees at any time prior to five days before the date of said sale, provided that all other defaults referred to above are cured by then.

DATED this 13th day of October, 2003.

DAVIS, GILSTRAP, HEARN,
SALADOFF & SMITH
A Professional Corporation



JACK DAVIS, Successor Trustee

EXHIBIT "A"
LEGAL DESCRIPTION

Lots 6 and 7 in Block 76 of BUENA VISTA ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, and a portion of Lot 5 in Block 76 described as follows:

Beginning at the most Easterly corner of Lot 7, Block 76; thence South 52 degrees 36' 30" East a distance of 4.70 feet; thence Southwesterly to a point on the Southwesterly line of Lot 5, Block 76, which point is South 52 degrees 36' 30" East 1.65 feet from the most Southerly corner of Lot 6, Block 76; thence North 52 degrees 36' 30" West along said Southwesterly line of Lot 5, Block 76, to the most Southerly corner of Lot 6; thence North 37 degrees 23' 30" East along the Southeasterly line of Lots 6 and 7, Block 76, to the point of beginning.

IN THE _____ COURT OF THE STATE OF _____ OREGON
COUNTY OF JACKSON : COURT CASE NO. _____

09605

VERNON G LUDWIG
AND OFELIA LUDWIG)
vs
LEANNE R MITCHEL)

PROOF OF SERVICE

STATE OF OREGON)
County of KLAMATH) SS.

I hereby certify that on the 17 day of October, 20 03, at the hour of 1735
I served LEANNE MITCHEL PURKHISER.

☒ Personal Service (personally and in person)
☐ Substitute Service (by serving a person over the age of 14 years, who resides at the usual place of abode of the
within named)
☐ Office Service (by serving the person apparently in charge)
☐ By posting (said residence)

A certified/true copy of:
☐ Summons ☐ Writ of Garnishment ☐ Small Claims
☐ Motion ☐ Order ☐ Affidavit
☐ Complaint ☐ Citation ☐ Subpoena
☐ Petition ☐ Notice ☐ Decree
☒ Other: TRUSTEES NOTICE OF SALE

Together with a copy of _____

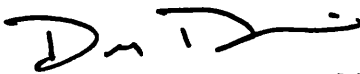
To LEANNE MITCHEL PURKHISER At 1865 ACADEMY
KLAMATH FALLS, OR.

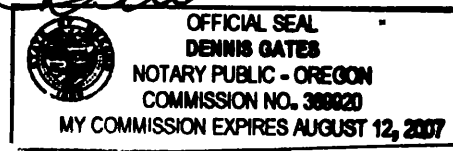
NOT FOUND: I certify that I received the within document for service on the _____ day of _____, 20____
and after due and diligent search and inquiry, I have been unable to locate _____
within the county of _____ Dated this _____ day of _____, 20____

ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF KLAMATH

I am a competent person over the age of 18, a resident of said State, not a party to nor an officer,
director or employee of, nor attorney for any party, corporate or otherwise and knew that the person,
firm or corporation served is the identical one named in the action.

Subscribed to and sworn to before me this
21 day of 09, 20 03


DAVE DAVIS (#16)
Cleveland Legal Support Service
(541) 665-5162



Papers
Received From DAVIS, GILSTRAP, HARRIS, HEARN &
515 E. MAIN ST.
ASHLAND
OR 97520

503-482-3111
ATTN: JOANNIE

Remit to: CLSS, Inc.	Service Fee	\$ 20.00
P.O. Box 5358	Mileage	\$
Cental Point, OR 97502	Rush/Emergency	\$
Date: 10-20-2003	Incorrect Add.	\$
CLSS File No. 6472-BREF	Amount Paid	\$ 0.00
Client No. MITCHEL	TOTAL DUE	\$ 40.00

Affidavit of Publication

09606

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 # 6333

Notice of Sale/Mitchel

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 8, 15, 22, 29, 2004

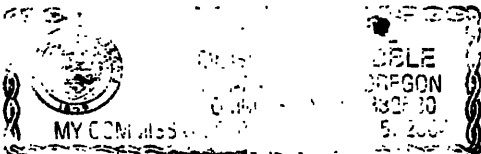
Total Cost: \$702.00

Subscribed and sworn

before me on: January 29, 2004

Notary Public of Oregon

My commission expires March 15, 2004



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by Leanne R. Mitchel, as grantor, to AmeriTitle, as trustee, to secure certain obligations in favor of Vernon G. Ludwig and Ofelia Ludwig, as beneficiary, dated October 23, 2000 and recorded in Volume M00, Page 39771 of the Official Records of Klamath County, Oregon on October 31, 2000, covering the following described real property, to wit:

EXHIBIT "A" Legal Description

Lots 6 and 7 in Block 76 BUENA VISTA ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon and a portion of Lot 5 in Block 76 described as follows:

Beginning at the most Easterly corner of Lot 7, Block 76; thence South 52 degrees 36' 30" East a distance of 4.70 feet; thence Southwesterly to a point on the Southwesterly line of Lot 5, Block 76, which point is South 52 degrees 36' 30" East 1.65 feet from the most Southerly corner of Lot 6, Block 76; thence North 52 degrees 36' 30" West along said Southwesterly line of Lot 5, Block 76, to the most Southerly corner of Lot 6; thence North 37 degrees 23' 30" East along the Southeastery line of Lots 6 and 7, Block 76, to the point of beginning.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and to foreclose said trust deed by advertisement and sale. The default for which the foreclosure is made is grantor's failure to pay when due the following sums owing on said obligations, which sums are now past due, owing and delinquent:

Monthly installments of \$500.00 per month, beginning with the installment due August 27, 2002 and monthly installments in the same amount due the 27th day of each month thereafter.

By reason of said default, and grantor's failure to pay the real property taxes owing for fiscal years 2001-2002 and 2002-2003, the beneficiary has declared the entire unpaid balance of all obligations secured by said trust deed together with the interest thereon, immediately due, owing and payable, said sums being the following to wit:

\$50,000.00 together with interest thereon at the rate of 12% per annum from August 9, 2003 until paid, plus a late fee of \$25 for any payment not received within 15 days of its due date, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said trust deed.

A notice of default and election to sell and to foreclose was

duly recorded in Volume M03, Page 75630 of the Official Records of Klamath County, State of Oregon. Said Notice of Default and Election to Sell was recorded October 10, 2003.

WHEREFORE, NOTICE HEREBY IS GIVEN that the undersigned trustee will on the 2nd day of March, 2004, at the hour of 10:00 AM, Pacific Time as established by Section 187.110, Oregon Revised Statutes, at the offices of AmeriTitle, 222 S. Sixth Street in Klamath Falls, OR 97601, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution of the said trust deed, together with any interest which the grantor or 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 certain persons referred to in the Oregon Revised Statutes have the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had no default occurred) together with costs, trustee's and attorney's fees at any time prior to five days before the date of said sale, provided that all other defaults referred to above are cured by then.

Dated this 13th day of October, 2003.
Davis, Gilstrap, Hearn, Saladoff & Smith, A Professional Corporation.
Jack Davis, Successor Trustee; 515 East Main St, Ashland, OR 97520.
#6333 January 8, 15, 22, 29, 2004.