

May 10 PM 12:12

AFTER RECORDING RETURN TO:  
Hershner Hunter, et al  
Attn: Carol Mart  
PO Box 1476  
Eugene, OR 97440

1st 118665

AFFIDAVIT OF MAILING OF NOTICE OF SALE

STATE OF OREGON           )  
  ) ss.  
COUNTY OF LANE         )

State of Oregon, County of Klamath  
Recorded 05/10/2004 12:12 p m  
Vol M04 Pg 28363-69  
Linda Smith, County Clerk  
Fee \$ 5/00 # of Pgs 7

I, NANCY K. CARY, being first duly sworn, depose and say:

1. I am the Successor Trustee of the Trust Deed described in the attached Trustee's Notice of Sale.

2. I served the attached Trustee's Notice of Sale upon the following parties by depositing true copies thereof in the United States Mail at Eugene, Oregon, on February 9, 2004:

Martin D. Alter  
115 N Fifth Street  
Klamath Falls OR 97601

District Director Internal Revenue Service  
Attn: Chief, Special Procedures Staff  
915 Second Avenue, M-S W245  
Seattle, WA 98174

Christy J. B. Alter  
831 Hillside Avenue  
Klamath Falls OR 97601

U.S. Bank National Association  
Attn: Joe Vedus, Consumer Collections  
PO Box 30869  
Portland OR 97297

3. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below their names which, to the best of my knowledge, were their last known addresses as of the date of mailing. The copies were mailed by certified mail, return receipt requested, and by first class mail, with postage prepaid.

\_\_\_\_\_  
Nancy K. Cary

Signed and sworn to before me on February 9, 2004, by NANCY K. CARY.



*Carol B. Mart*  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: 11-23-07

AFFIDAVIT OF MAILING

51 F

AFTER RECORDING RETURN TO:  
Hershner Hunter, et al  
Attn: Carol Mart  
PO Box 1475  
Eugene, OR 97440

**JEFFERSON STATE ADJUSTERS****RECOVERY IS OUR BUSINESS**

1135 Pine Street

Klamath Falls, Oregon 97601

Phone: (541) 882-8036 Fax: (541) 883-2129

**AFFIDAVIT OF NON-OCCUPANCY**

STATE OF OREGON  
COUNTY OF KLAMATH

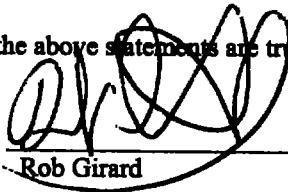
I, Rob Girard, being first duly sworn, depose and say: That I am and have been at all material times hereto, a competent person over the age of eighteen years and a resident of the county of Klamath, State of Oregon. I am not a party to, an attorney for, or interested in any suit or action involving the property described below.

That on the 3rd day of February 2004, after personal inspection, I found the following described real property to be unoccupied.

Commonly described as (Street address)

**4745 South Sixth Street Klamath Falls, Oregon 97603**

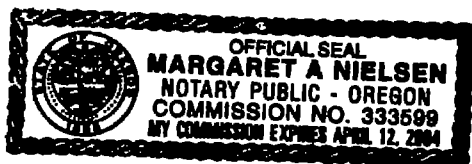
I declare under the penalty of perjury that the above statements are true and correct.

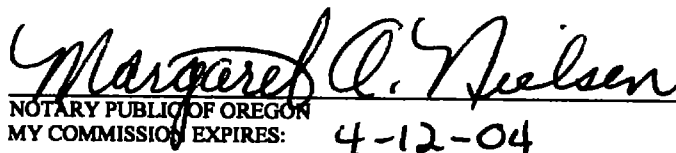


Rob Girard

February 3, 2004  
(Signed and Dated)

Subscribed and Sworn to before me this 3rd day of February, 2004.



  
NOTARY PUBLIC OF OREGON  
MY COMMISSION EXPIRES: 4-12-04

The following Trustee's Notice of Sale is served on you (if mailed, by certified mail, return receipt requested and first class mail) pursuant to ORS Chapter 86, requiring notice of the foreclosure to be given to the grantor of the trust deed, to certain successors in interest of the grantor and junior lien holders, and to the occupants of the property.

TO:

**TRUSTEE'S NOTICE OF SALE**

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

1. **PARTIES:**

Grantor:	ROOKSTOOL & ALTER, A CO-PARTNERSHIP CONSISTING OF JACK L. ROOKSTOLL and MARTIN D. ALTER
Trustee:	WILLIAM L. SISEMORE
Successor Trustee:	NANCY K. CARY
Beneficiary:	STERLING SAVINGS BANK, successor to Klamath First Federal Savings and Loan Association
2. **DESCRIPTION OF PROPERTY:** The real property is described as follows:  
  
As described on the attached Exhibit A.
3. **RECORDING.** The Trust Deed was recorded as follows:  
Date Recorded: March 31, 1992  
Volume M92, Page 6602  
Official Records of Klamath County, Oregon
4. **DEFAULT.** The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$2,390.93 each, due the 20th of each month, for the months of November 2003 through January 2004; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.
5. **AMOUNT DUE.** The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$176,205.37 plus interest at the rate of 9.875% per annum from October 20, 2003; plus late charges of \$1,912.64; plus advances and foreclosure attorney fees and costs.
6. **ELECTION TO SELL.** The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.
7. **TIME OF SALE.**

Date:	June 10, 2004
Time:	11:00 a.m. as established by ORS 187.110
Place:	Front of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon
8. **RIGHT TO REINSTATE.** 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 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all 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 in ORS 86.753.

Any questions regarding this matter should be directed to Carol Mart, Legal Assistant, (541) 686-8511.

DATED: January 29, 2004.

/s/ Nancy K. Cary

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Nancy K. Cary, Successor Trustee  
HERSHNER, HUNTER, ANDREWS,  
NEILL & SMITH, LLP  
P.O. Box 1475  
Eugene, OR 97440

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**FAIR DEBT COLLECTION PRACTICES ACT NOTICE**

We are attempting to collect a debt on behalf of the beneficiary named above (also referred to as the "creditor") and any information obtained will be used for that purpose. This debt is owed to the creditor in the amount of described above. Under some circumstances, you may receive more than one copy of this notice. Unless you dispute the validity of this debt, or any portion thereof, in writing within 30 days after your first receipt of the original or a copy of this notice, we will assume the debt to be valid. If you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or (if applicable) a copy of a judgment against you and a copy of the verification or (if applicable) the judgment will be mailed to you. We will provide you with the name and address of the original creditor, if different from the creditor named above, if you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that you request such information. This communication is from a debt collector.

**Exhibit "A"**

Real property in the County of Klamath, State of Oregon, described as follows:

A portion of the SE 1/4 NW 1/4 of Section 2, Township 39 South, Range 9 E. W. M., more particularly described as follows: Beginning at a one-inch axle marking the Southwesterly corner of Lot 82 of Pleasant Home Tracts, a duly recorded Subdivision; thence North 89°24'30" East along the Southerly boundary of said Lot 82 and said Pleasant Home Tracts a distance of 660.20 feet to a 3/4 inch iron pipe; thence South 00°35'00" East a distance of 1301.82 feet to the Northerly right of way line of South Sixth Street (State Highway No. 140); thence North 88°59'04" East along said Northerly right of way line 102.50 feet to a P-K Nail; thence North 00°35'00" West a distance 115.88 feet to the true point of beginning of this description; thence continuing North 00°35'00" West 153.05 feet to a P-K Nail; thence North 45°25'00" East 27.79 feet to a P-K Nail; thence South 88°35'00" East 122.52 feet to a P-K Nail on the Easterly line of that parcel of land as described in Deed Volume M72 page 760, records of Klamath County, Oregon; thence South 00°35'00" East along said Easterly line a distance of 167.00 feet; thence South 88°59'04" West a distance of 142.50 feet to the true point of beginning. Bearings based on Survey No. 1480 as recorded in the office of the Klamath County Surveyor.

SAVING AND EXCEPTING the following described parcel of real property:

A portion of the SE 1/4 NW 1/4, Section 2, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows: Beginning at a 1 inch axle marking the Southwesterly corner of Lot 82, Pleasant Home Tracts, a duly recorded subdivision; thence North 89°24'30" East along the Southerly boundary of said Lot 82 and said Pleasant Home Tracts a distance of 660.20 feet to a 3/4 inch iron pipe; thence South 00°35'00" East a distance of 1301.82 feet to the Northerly right of way line of South Sixth Street (State Highway No. 140); thence North 88°59'04" East along said Northerly right of way line 102.50 feet to a P-K Nail; thence North 00°35'00" West a distance of 115.88 feet to the true point of beginning of this description, as marked by a 1/2 inch iron pin; thence North 88°59'04" East 142.50 feet to a 1/2 inch iron pin on the Easterly line of that parcel of land as described in Deed Volume M72 page 760, records of Klamath County, Oregon; thence along said Easterly line North 00°35'00" West 38.55 feet to a 5/8 inch iron pin; thence South 89°25'00" West 142.52 feet to a 5/8 inch iron pin; thence South 00°35'00" East 39.47 feet to the true point of beginning, containing 5559.71 square feet more or less, with bearings based on Survey No. 1480 as recorded in the office of the County Surveyor.

NOTE: There is an easement appurtenant to the above described property, said easement is described as follows: TOGETHER WITH an easement and right of way along and upon a strip 30 feet in width lying adjacent to and parallel with the Westerly boundary line of the above described property and extended Southerly to the North line of South Sixth Street, for ingress to and egress from said property.

Tax Parcel Number: 517453

# Affidavit of Publication

28368

## STATE OF OREGON, COUNTY OF KLAMATH

I, Jeanine P. Day, 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 I know from my personal knowledge that the

Legal # 6527

Notice of Sale/Rockstool-Alter

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

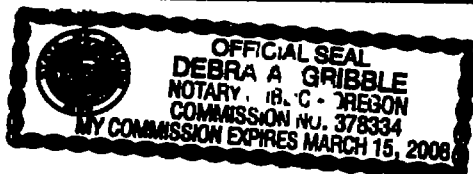
Insertion(s) in the following issues:  
April 1, 8, 15, 22, 2004

Total Cost: \$1,093.50

*Jeanine P Day*  
Subscribed and sworn  
before me on: April 22, 2004

*Debra A Gribble*  
Notary Public of Oregon

My commission expires March 15, 2008



### TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

**PARTIES:** Grantor: Rockstool & Alter, a co-partnership consisting of Jack L. Rockstool and Martin D. Alter; Trustee: William L. Sizemore; Successor Trustee: Nancy K. Cary; Beneficiary: Sterling Savings Bank, successor to Klamath First Federal Savings and Loan Association.

**DESCRIPTION OF PROPERTY:** The real property is described as follows:

### EXHIBIT "A"

Real property in the County of Klamath, State of Oregon, described as follows:

A portion of the SE 1/4 NW 1/4 of Section 2, Township 39 South, Range 9 E. WM, more particularly described as follows: Beginning at a one-inch axle marking the Southwesterly corner of Lot 82 of Pleasant Home Tracts, a duly recorded Subdivision; thence North 89 degree 24' 30" East along the Southerly boundary of said Lot 82 and said Pleasant Home Tracts, a distance of 660.20 feet to a 3/4 inch iron pipe; thence South 00 degree 35' 00" East a distance of 1301.82 feet to the Northerly right of way line of

South Sixth Street (State Highway No. 140); thence North 88 degree 59' 04" East along said Northerly right of way line 102.50 feet to a P-K Nail; thence North 00 degree 35' 00" West a distance of 115.88 feet to the true point of beginning of this description; thence continuing North 00 degree 35' 00" West 153.05 feet to a P-K Nail; thence North 45 degree 25' 00" East 27.79 feet to a P-K Nail; thence South 88 degree 35' 00" East 122.52 feet to a P-K Nail on the Easterly line of that parcel of land as described in Deed Volume M72 page 760, records of Klamath County, Oregon; thence South 00 degree 35' 00" East along said Easterly line a distance of 167.00 feet; thence South 88 degree 59' 04" West a distance of 142.50 feet to the true point of beginning. Bearings based on Survey No. 1480 as recorded in the office of the Klamath County Surveyor.

**SAVING AND EXCEPTING** the following described parcel of real property.

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Tax Parcel Number: 517453.

**3. RECORDING.**

The Trust Deed was recorded as follows:  
 Date Recorded: March 31, 1992; Volume M92, Page 6602, Official Records of Klamath County, Oregon.

**4. DEFAULT.**

The Grantor or any other person obligated on the Trust Deed and Promissory Note secured hereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$2,390.93 each, due the 20th of each month, for the months of November 2003 through January 2004; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

**5. AMOUNT DUE.**

The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$176,205.37 plus interest at the rate of 9.875% per annum from October 20, 2003; plus late charges of \$1,912.64; plus advances and foreclosure attorney fees and costs.

**6. ELECTION TO**

**SELL.** The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

**7. TIME OF SALE.**

Date: June 10, 2004;  
 Time: 11:00 AM as established by ORS 167.110; Place: Front of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon.

**8. RIGHT TO REIN-**

**STATE.** 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 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all 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 in ORS 86.753.

Any questions regarding this matter should be directed to Carol Mart, Legal Assistant, (541) 684-8511 (TS #21649.30039).

Dated: January 29, 2004. Nancy K. Cary, Successor Trustee. Herschner, Hunter, Andrews, Neill & Smith, LLP, PO Box 14475, Eugene, OR 97440. #6527 April 1, 8, 15, 22, 2004.

APR 28 2004