

04 MAY 12 PM 3:28

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Vol M04 Page 29191

After Recording Return To:

Hillis Clark Martin & Peterson, P.S.
Attention: Allison B. Theodore
500 Galland Building
1221 Second Avenue
Seattle, WA 98101-2925

State of Oregon, County of Klamath
Recorded 05/12/2004 3:28 p m
Vol M04 Pg 29191-29213
Linda Smith, County Clerk
Fee \$ 13/00 # of Pgs 23

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, Brandon A. Weston, being first duly sworn, state that I am now, and at all times herein mentioned was, a citizen of the United States, a resident of the State of Washington, and over the age of eighteen (18) years, and not the beneficiary or his successor in interest named in the attached Trustee's Notice Of Sale.

That at the direction and under the supervision of the Successor Trustee I gave notice of default under the terms of the Deed of Trust identified in the attached Trustee's Notice of Sale by mailing a copy thereof by first class mail, and by mailing a copy certified mail with return receipt requested to each of the following named persons as the grantor or any successor in interest in the property described in said Deed of Trust at their respective address, to-wit:

Toni L. Wilcox
5837 Hilyard Ave
Klamath Falls, OR 97603

John Doe Wilcox
5837 Hilyard Ave
Klamath Falls, OR 97603

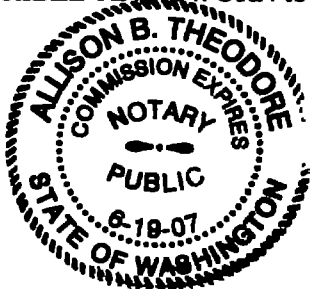
Bank of America
1655 Enterprise Way
Marietta, GA 30067

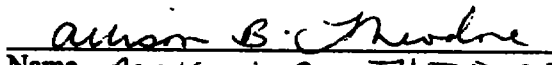
Bank of America
c/o Derrick E. McGavic, Esq.
P.O. Box 10163
Eugene, OR 97440

Each of the notices so mailed was a true copy of the original Trustee's Notice Of Sale, each copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in a United States post office or postal deposit box at Seattle, Washington, on December 17, 2003. Each of the notices was mailed at least 120 days before the day fixed in said Trustee's Notice of Sale by the trustee for the trustee's sale.


Brandon A. Weston

SUBSCRIBED AND SWORN to before me this 17th day of December, 2003.




Name Allison B. Theodore
NOTARY PUBLIC in and for the State of
Washington residing at Shoreline
My appointment expires 4/19/07

#262399 40013-471 5mgv011.doc 12/17/2003

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TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, *et seq.* and O.R.S. 79.5010, *et seq.*

Reference is made to that certain trust deed made, executed, and delivered by Toni L. Wilcox, an unmarried woman, as Grantor, to Amerititle, as Trustee, to secure certain obligations in favor of National Funding Service, Inc., an Oregon corporation, as Beneficiary, dated June 28, 1999, and recorded on July 1, 1999, in the Mortgage records of Klamath County, Oregon, in Vol No. M99, Page No. 26467. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Oregon Housing and Community Services Department, State of Oregon, by assignment of deed of trust recorded on July 1, 1999, in the Mortgage records of Klamath County, Oregon in Vol. No. M99, Page No. 26477. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

Lot 23 of POOLE HOMESITES, a resubdivision of the South 270 feet of Tracts 22, 23 and 24, and of Tracts 33, 34, 35 and 36, HOMELAND TRACTS NO. 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon;

The street address or other common designation, if any, of the real property described above is purported to be:

5837 Hilyard Avenue, Klamath Falls, Oregon 97603

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

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

8 Monthly payments of \$555.95 due from May 1, 2003 through December 1, 2003:	\$4,447.60
8 Late Charges of \$20.78, due on each payment not paid within 15 days of its due date, for monthly payments due on May 1, 2003, through December 1, 2003:	\$166.24
Sub-Total of Monthly Payments, Late Charges, and Advances in arrears:	<u>\$4,613.84</u>

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing.

The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

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:

UNPAID PRINCIPAL BALANCE OF \$66,020.07, AS OF APRIL 1, 2003, PLUS, FROM THAT DATE UNTIL PAID, ACCRUED AND ACCRUING INTEREST AT THE RATE OF 5.950% PER ANNUM, PLUS ANY LATE CHARGES, ESCROW ADVANCES, FORECLOSURE COSTS, TRUSTEE'S FEES, ATTORNEYS' FEES, SUMS REQUIRED FOR PROTECTION OF THE PROPERTY AND ADDITIONAL SUMS SECURED BY THE TRUST DEED.

WHEREFORE, notice hereby is given that the undersigned trustee will, on May 7, 2004, at the hour of 10:00 a.m., in accord with the standard of time established by ORS 187.110, at the front entrance of the Klamath County Courthouse, 316 Main Street, City of Klamath Falls, County of Klamath, State of Oregon, 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 by him of the said trust deed, together with any interest which the grantor or his 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 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 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. Notice is also given that any person named in ORS 86.753 has the right to bring a court action to assert the non-existence of a default or any other defense to acceleration and sale.

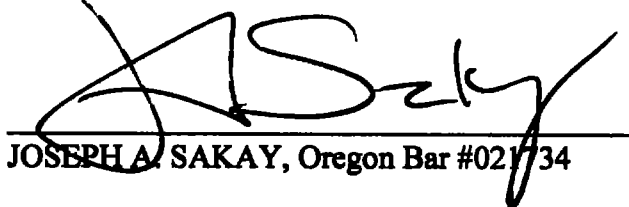
In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION WILL BE USED FOR THAT PURPOSE. UNLESS YOU NOTIFY US WITHIN 30 DAYS AFTER RECEIVING THIS LETTER THAT YOU DISPUTE THE VALIDITY OF THE DEBT, OR ANY PORTION OF IT, WE WILL ASSUME THE DEBT IS VALID. IF YOU NOTIFY US, IN WRITING WITHIN 30 DAYS AFTER RECEIPT OF THIS LETTER THAT YOU DO DISPUTE THE DEBT OR ANY PORTION OF IT, WE WILL PROVIDE VERIFICATION BY MAILING YOU A COPY OF THE RECORDS. IF YOU SO REQUEST, IN WRITING, WITHIN 30 DAYS AFTER RECEIPT OF THIS NOTICE, WE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR IF DIFFERENT FROM THE CURRENT CREDITOR.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

DATED this 15th day of December, 2003.

SUCCESSOR TRUSTEE:



JOSEPH A. SAKAY, Oregon Bar #021734

c/o Hillis Clark Martin & Peterson, P.S.
1221 Second Avenue, Suite 500
Seattle, Washington 98101-2925
Telephone: (206) 623-1745

#262180 40013-471 5m@a011.doc 12/15/2003

After Recording Return To:

29195

Hillis Clark Martin & Peterson, P.S.
Attention: Allison B. Theodore
500 Galland Building
1221 Second Avenue
Seattle, WA 98101-2925

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

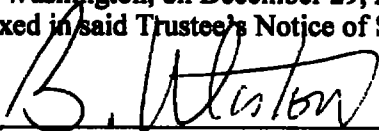
I, Brandon A. Weston, being first duly sworn, state that I am now, and at all times herein mentioned was, a citizen of the United States, a resident of the State of Washington, and over the age of eighteen (18) years, and not the beneficiary or his successor in interest named in the attached Trustee's Notice Of Sale.

That at the direction and under the supervision of the Successor Trustee I gave notice of default under the terms of the Deed of Trust identified in the attached Trustee's Notice of Sale by mailing a copy thereof by first class mail, and by mailing a copy certified mail with return receipt requested to each of the following named persons as the grantor or any successor in interest in the property described in said Deed of Trust at their respective address, to-wit:

Enterprise Irrigation District
4806 Highway 39
Klamath Falls, OR 97603

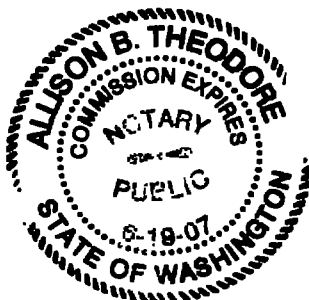
Enterprise Irrigation District
c/o William M. Ganong, Esq.
514 Walnut Avenue
Klamath Falls, OR 97601


Each of the notices so mailed was a true copy of the original Trustee's Notice Of Sale, each copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in a United States post office or postal deposit box at Seattle, Washington, on December 29, 2003. Each of the notices was mailed at least 120 days before the day fixed in said Trustee's Notice of Sale by the trustee for the trustee's sale.



Brandon A. Weston

SUBSCRIBED AND SWORN to before me this 29th day of December, 2003.





Name ALLISON B. THEODORE
NOTARY PUBLIC in and for the State of
Washington residing at Shoreline.
My appointment expires 4/19/07.

#262782 40013-471 5mr\$011.doc 12/29/2003

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-OCCUPANCYSTATE 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 30th day of December 2003, after personal inspection, I found the following described real property to be unoccupied.

Commonly described as (Street address)

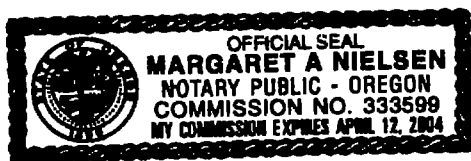
5387 Hilyard Avenue Klamath Falls, Oregon 97603

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


Rob Girard

December 30, 2003

(Signed and Dated)

Subscribed and Sworn to before me this 31st day of December, 2003.
NOTARY PUBLIC OF OREGON
MY COMMISSION EXPIRES: 4-12-04

TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, *et seq.* and O.R.S. 79.5010, *et seq.*

Reference is made to that certain trust deed made, executed, and delivered by Toni L. Wilcox, an unmarried woman, as Grantor, to Amerititle, as Trustee, to secure certain obligations in favor of National Funding Service, Inc., an Oregon corporation, as Beneficiary, dated June 28, 1999, and recorded on July 1, 1999, in the Mortgage records of Klamath County, Oregon, in Vol No. M99, Page No. 26467. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Oregon Housing and Community Services Department, State of Oregon, by assignment of deed of trust recorded on July 1, 1999, in the Mortgage records of Klamath County, Oregon in Vol. No. M99, Page No. 26477. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

Lot 23 of POOLE HOMESITES, a resubdivision of the South 270 feet of Tracts 22, 23 and 24, and of Tracts 33, 34, 35 and 36, HOMELAND TRACTS NO. 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon;

The street address or other common designation, if any, of the real property described above is purported to be:

5837 Hilyard Avenue, Klamath Falls, Oregon 97603

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

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

8 Monthly payments of \$555.95 due from May 1, 2003 through December 1, 2003:	\$4,447.60
8 Late Charges of \$20.78, due on each payment not paid within 15 days of its due date, for monthly payments due on May 1, 2003, through December 1, 2003:	\$166.24
Sub-Total of Monthly Payments, Late Charges, and Advances in arrears:	<u>\$4,613.84</u>

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing.

The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

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:

UNPAID PRINCIPAL BALANCE OF \$66,020.07, AS OF APRIL 1, 2003, PLUS, FROM THAT DATE UNTIL PAID, ACCRUED AND ACCRUING INTEREST AT THE RATE OF 5.950% PER ANNUM, PLUS ANY LATE CHARGES, ESCROW ADVANCES, FORECLOSURE COSTS, TRUSTEE'S FEES, ATTORNEYS' FEES, SUMS REQUIRED FOR PROTECTION OF THE PROPERTY AND ADDITIONAL SUMS SECURED BY THE TRUST DEED.

WHEREFORE, notice hereby is given that the undersigned trustee will, on May 7, 2004, at the hour of 10:00 a.m., in accord with the standard of time established by ORS 187.110, at the front entrance of the Klamath County Courthouse, 316 Main Street, City of Klamath Falls, County of Klamath, State of Oregon, 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 by him of the said trust deed, together with any interest which the grantor or his 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 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 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. Notice is also given that any person named in ORS 86.753 has the right to bring a court action to assert the non-existence of a default or any other defense to acceleration and sale.

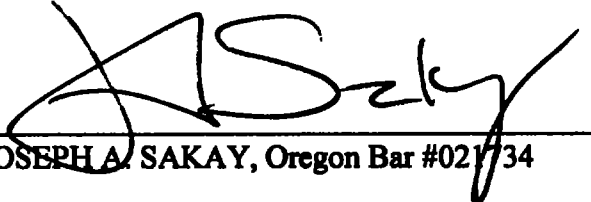
In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION WILL BE USED FOR THAT PURPOSE. UNLESS YOU NOTIFY US WITHIN 30 DAYS AFTER RECEIVING THIS LETTER THAT YOU DISPUTE THE VALIDITY OF THE DEBT, OR ANY PORTION OF IT, WE WILL ASSUME THE DEBT IS VALID. IF YOU NOTIFY US, IN WRITING WITHIN 30 DAYS AFTER RECEIPT OF THIS LETTER THAT YOU DO DISPUTE THE DEBT OR ANY PORTION OF IT, WE WILL PROVIDE VERIFICATION BY MAILING YOU A COPY OF THE RECORDS. IF YOU SO REQUEST, IN WRITING, WITHIN 30 DAYS AFTER RECEIPT OF THIS NOTICE, WE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR IF DIFFERENT FROM THE CURRENT CREDITOR.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

DATED this 15th day of December, 2003.

SUCCESSOR TRUSTEE:



JOSEPH A. SAKAY, Oregon Bar #021734

c/o Hillis Clark Martin & Peterson, P.S.
1221 Second Avenue, Suite 500
Seattle, Washington 98101-2925
Telephone: (206) 623-1745

#262180 40013-471 5m@011.doc 12/15/2003

29200

After Recording Return To:

Hillis Clark Martin & Peterson, P.S.
Attention: Allison B. Theodore
500 Galland Building
1221 Second Avenue
Seattle, WA 98101-2925

AFFIDAVIT OF MAILING TRUSTEE'S AMENDED NOTICE OF SALE

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, Brandon A. Weston, being first duly sworn, state that I am now, and at all times herein mentioned was, a citizen of the United States, a resident of the State of Washington, and over the age of eighteen (18) years, and not the beneficiary or his successor in interest named in the attached Trustee's Amended Notice Of Sale.

That at the direction and under the supervision of the Successor Trustee I gave notice of default under the terms of the Deed of Trust identified in the attached Trustee's Amended Notice of Sale by mailing a copy thereof by first class mail, and by mailing a copy certified mail with return receipt requested to each of the following named persons as the grantor or any successor in interest in the property described in said Deed of Trust at their respective address, to-wit:

Toni L. Wilcox
5837 Hilyard Ave
Klamath Falls, OR 97603

John Doe Wilcox
5837 Hilyard Ave
Klamath Falls, OR 97603

Bank of America
1655 Enterprise Way
Marietta, GA 30067

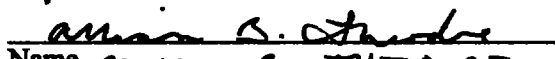
Bank of America
c/o Derrick E. McGavic, Esq.
P.O. Box 10163
Eugene, OR 97440

Each of the notices so mailed was a true copy of the original Trustee's Amended Notice Of Sale, each copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in a United States post office or postal deposit box at Seattle, Washington, on March 31, 2004.


Brandon A. Weston

SUBSCRIBED AND SWORN to before me this 31st day of March, 2004.




Name Allison B. Theodore
NOTARY PUBLIC in and for the State of
Washington residing at Shoreline
My appointment expires 4/12/07

#270496 40013-471 5spa011.doc 3/30/2004

TRUSTEE'S AMENDED NOTICE OF SALE

Pursuant to O.R.S. 86.705, *et seq.* and O.R.S. 79.5010, *et seq.*
(After Release from Stay by Order for Relief Dated March 5, 2004)

Reference is made to that certain trust deed made, executed, and delivered by Toni L. Wilcox, an unmarried woman, as Grantor, to Amerititle, as Trustee, to secure certain obligations in favor of National Funding Service, Inc., an Oregon corporation, as Beneficiary, dated June 28, 1999, and recorded on July 1, 1999, in the Mortgage records of Klamath County, Oregon, in Vol. No. M99, Page No. 26467. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Oregon Housing and Community Services Department, State of Oregon, by assignment of deed of trust recorded on July 1, 1999, in the Mortgage records of Klamath County, Oregon, in Vol. No. M99, Page No. 26477. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

Lot 23 of POOLE HOMESITES, a resubdivision of the South 270 feet of Tracts 22, 23 and 24, and of Tracts 33, 34, 35 and 36, HOMELAND TRACTS NO. 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon;

The street address or other common designation, if any, of the real property described above is purported to be:

5837 Hilyard Avenue, Klamath Falls, Oregon 97603

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

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

8 Monthly payments of \$555.95 due from May 1, 2003 through December 1, 2003:	\$4,447.60
8 Late Charges of \$20.78, due on each payment not paid within 15 days of its due date, for monthly payments due on May 1, 2003, through December 1, 2003:	\$166.24
3 Monthly payments of \$596.11 due from January 1, 2004, through March 1, 2004:	\$1,788.33

3 Late Charges of \$20.78, due on each payment not paid within 15 days of its due date, for monthly payments due on January 1, 2004, through March 1, 2004: \$62.34

Advances by Lender:

Unpaid Irrigation Lien: \$946.08

Attorneys fees and costs re Bankruptcy: \$1,010.18

Sub-Total of Monthly Payments,
Late Charges, and Advances in arrears: **\$8,420.77**

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

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:

UNPAID PRINCIPAL BALANCE OF \$66,020.07, AS OF APRIL 1, 2003, PLUS, FROM THAT DATE UNTIL PAID, ACCRUED AND ACCRUING INTEREST AT THE RATE OF 5.9500% PER ANNUM, PLUS ANY LATE CHARGES, ESCROW ADVANCES, FORECLOSURE COSTS, TRUSTEE'S FEES, ATTORNEYS' FEES, SUMS REQUIRED FOR PROTECTION OF THE PROPERTY AND ADDITIONAL SUMS SECURED BY THE TRUST DEED.

The Notice of Default and original Trustee's Notice of Sale given pursuant thereto stated that the property would be sold on May 7, 2004, at the hour of 10:00 a.m., in accord with the standard of time established by ORS 187.110, at the front entrance of the Klamath County Courthouse, 316 Main Street, City of Klamath Falls, County of Klamath, State of Oregon, however, subsequent to the recording of the said Notice of Default, the original sale proceedings were stayed by order of the court or by proceedings under the National Bankruptcy Act or for other lawful reasons. The beneficiary did not participate in obtaining such stay. Such stay was terminated on March 5, 2004.

WHEREFORE, notice hereby is given that the undersigned trustee will, on May 21, 2004, at the hour of 10:00 a.m., in accord with the standard of time established by ORS 187.110, at the front entrance of the Klamath County Courthouse, 316 Main Street, City of Klamath Falls, County of Klamath, State of Oregon, 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 by him of the said trust deed, together with any interest which the grantor or his 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 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 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. Notice is also given that any person named in ORS 86.753 has the right to bring a court action to assert the non-existence of a default or any other defense to acceleration and sale.

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.

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR.

DATED this 31st day of March, 2004.

SUCCESSOR TRUSTEE:



 JOSEPH A. SAKAY, Oregon Bar #01734

c/o Hillis Clark Martin & Peterson, P.S.
 1221 Second Avenue, Suite 500
 Seattle, WA 98101-2925
 Telephone: (206) 623-1745

#270491 40013-471 5spn011.doc 3/30/2004

**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, Ed Foreman, 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 1st day of April 2004 at 1:02 p.m., after personal inspection, I found the following described real property to be unoccupied.

Commonly described as (Street address)

5837 Hillyard Avenue
Klamath Falls, Oregon 97603

See Attached Legal Description

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

Ed Foreman April 1, 2004
Ed Foreman (Signed and Dated)

Subscribed and Sworn to before me this 1st day of April 2004.



Margaret A. Nielsen
NOTARY PUBLIC OF OREGON
MY COMMISSION EXPIRES:

TRUSTEE'S AMENDED NOTICE OF SALE

Pursuant to O.R.S. 86.705, *et seq.* and O.R.S. 79.5010, *et seq.*
(After Release from Stay by Order for Relief Dated March 5, 2004)

Reference is made to that certain trust deed made, executed, and delivered by Toni L. Wilcox, an unmarried woman, as Grantor, to Amerititle, as Trustee, to secure certain obligations in favor of National Funding Service, Inc., an Oregon corporation, as Beneficiary, dated June 28, 1999, and recorded on July 1, 1999, in the Mortgage records of Klamath County, Oregon, in Vol. No. M99, Page No. 26467. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Oregon Housing and Community Services Department, State of Oregon, by assignment of deed of trust recorded on July 1, 1999, in the Mortgage records of Klamath County, Oregon, in Vol. No. M99, Page No. 26477. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

Lot 23 of POOLE HOMESITES, a resubdivision of the South 270 feet of Tracts 22, 23 and 24, and of Tracts 33, 34, 35 and 36, HOMELAND TRACTS NO. 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon;

The street address or other common designation, if any, of the real property described above is purported to be:

5837 Hilyard Avenue, Klamath Falls, Oregon 97603

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

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

8 Monthly payments of \$555.95 due from May 1, 2003 through December 1, 2003:	\$4,447.60
8 Late Charges of \$20.78, due on each payment not paid within 15 days of its due date, for monthly payments due on May 1, 2003, through December 1, 2003:	\$166.24
3 Monthly payments of \$596.11 due from January 1, 2004, through March 1, 2004:	\$1,788.33

3 Late Charges of \$20.78, due on each payment not paid within 15 days of its due date, for monthly payments due on January 1, 2004, through March 1, 2004:

\$62.34

Advances by Lender:

Unpaid Irrigation Lien:

\$946.08

Attorneys fees and costs re Bankruptcy:

\$1,010.18

Sub-Total of Monthly Payments,
Late Charges, and Advances in arrears:

\$8,420.77

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

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:

UNPAID PRINCIPAL BALANCE OF \$66,020.07, AS OF APRIL 1, 2003, PLUS, FROM THAT DATE UNTIL PAID, ACCRUED AND ACCRUING INTEREST AT THE RATE OF 5.9500% PER ANNUM, PLUS ANY LATE CHARGES, ESCROW ADVANCES, FORECLOSURE COSTS, TRUSTEE'S FEES, ATTORNEYS' FEES, SUMS REQUIRED FOR PROTECTION OF THE PROPERTY AND ADDITIONAL SUMS SECURED BY THE TRUST DEED.

The Notice of Default and original Trustee's Notice of Sale given pursuant thereto stated that the property would be sold on May 7, 2004, at the hour of 10:00 a.m., in accord with the standard of time established by ORS 187.110, at the front entrance of the Klamath County Courthouse, 316 Main Street, City of Klamath Falls, County of Klamath, State of Oregon, however, subsequent to the recording of the said Notice of Default, the original sale proceedings were stayed by order of the court or by proceedings under the National Bankruptcy Act or for other lawful reasons. The beneficiary did not participate in obtaining such stay. Such stay was terminated on March 5, 2004.

WHEREFORE, notice hereby is given that the undersigned trustee will, on May 21, 2004, at the hour of 10:00 a.m., in accord with the standard of time established by ORS 187.110, at the front entrance of the Klamath County Courthouse, 316 Main Street, City of Klamath Falls, County of Klamath, State of Oregon, 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 by him of the said trust deed, together with any interest which the grantor or his 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 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 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. Notice is also given that any person named in ORS 86.753 has the right to bring a court action to assert the non-existence of a default or any other defense to acceleration and sale.

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.

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR.

DATED this 31st day of March, 2004.

SUCCESSOR TRUSTEE:



JOSEPH A. SAKAY, Oregon Bar #011734

c/o Hillis Clark Martin & Peterson, P.S.
1221 Second Avenue, Suite 500
Seattle, WA 98101-2925
Telephone: (206) 623-1745

#270491 40013-471 5spn01!.doc 3/30/2004

After Recording Return To:

29208

Hillis Clark Martin & Peterson, P.S.
Attention: Allison B. Theodore
500 Galland Building
1221 Second Avenue
Seattle, WA 98101-2925

**AFFIDAVIT OF MAILING NOTICE OF INTENT TO REMOVE OCCUPANTS
PURSUANT TO TRUSTEE'S SALE**

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, Brandon A. Weston, being first duly sworn, state that I am now, and at all times herein mentioned was, a citizen of the United States, a resident of the State of Washington, and over the age of eighteen (18) years, and not the beneficiary or his successor in interest named in the attached Trustee's Notice Of Sale.

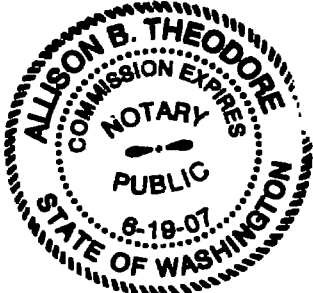
That at the direction and under the supervision of the Successor Trustee, I mailed a true copy of the Trustee's Notice of Sale by First Class Mail, Regular and Certified, Return-Receipt Requested, postage pre-paid, together with an original Notice of Intent to Remove, to the Occupants, at: 5837 Hilyard Avenue, Klamath Falls, Oregon 97603.


Each of the Trustee's Notices of Sale so mailed was a true copy of the original, accompanied by the original Notice of Intent to Remove, each set of copies was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in a United States post office or postal deposit box at Seattle, Washington, on April 21, 2004. Each of the notices was mailed after the original Notice of Default and Election to Sell was recorded and at least 20 days before the day fixed in the Trustee's Notice of Sale by the trustee for the trustee's sale.



Brandon A. Weston

SUBSCRIBED AND SWORN to before me this 21st day of April, 2004.





Name ALLISON B. THEODORE
NOTARY PUBLIC in and for the State of
Washington residing at Shoreline.
My appointment expires 6/19/07.

HCMP

HILLIS
CLARK
MARTIN &
PETERSON
law offices

29209

April 21, 2004

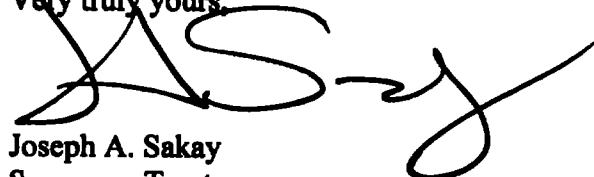
Occupants
5837 Hilyard Avenue
Klamath Falls, OR 97603

Re: *Trust Deed Foreclosure – Oregon Housing & Community Services Dept.*
Grantors: Toni L. Wilcox
Property Address:
5837 Hilyard Avenue, Klamath Falls, Oregon 97603
Notice of Intent to Remove

Dear Occupants:

The house in which you are presently residing is being foreclosed nonjudicially pursuant to the ORS 86.705 *et seq.* We are required by this statute to provide notice of intent to remove persons holding possession of the premises under an interest created voluntarily by the grantor or their successor. Enclosed is a trustee's amended notice of sale which indicates a sale date of May 21, 2004, at 10:00 a.m., at the front steps of the Klamath County Courthouse, 316 Main Street, City of Klamath Falls, County of Klamath, State of Oregon. Provided that the loan obligation is not reinstated before this sale date and a sale occurs, and should Oregon Housing and Community Services Department, State of Oregon, be the successful purchaser at the sale, you will be asked to vacate the property by the tenth day following the sale.

Very truly yours,



Joseph A. Sakay
Successor Trustee

JAS:abt
Enclosure

Cc: HomeStreet Bank
#272063 40013-471 5xb011.doc 4/21/2004

500 Galland Building
1221 Second Avenue
Seattle, Washington
98101-2925

phone 206.623.1745
fax 206.623.7789
www.hcmp.com

A PROFESSIONAL SERVICE CORPORATION

Affidavit of Publication

29210

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 # 6543

Notice of Sale/Wilcox

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 7, 14, 21, 28, 2004

Total Cost: \$1,134.00

Subscribed and sworn

before me on: April 28, 2004

Notary Public of Oregon

My commission expires March 15, 2008

TRUSTEE'S
AMENDED
NOTICE OF SALE
Pursuant to ORS
86.705, et seq. and
ORS 79.5010, et seq.
(After Release from
Stay by Order for
Relief Dated
March 5, 2004)

Reference is made to that certain trust deed made, executed, and delivered by Toni L. Wilcox, an unmarried woman, as Grantor, to Amerititle, as Trustee, to secure certain obligations in favor of National Funding Service, Inc., an Oregon corporation, as Beneficiary, dated June 28, 1999, and recorded on July 1, 1999, in the Mortgage records of Klamath County, Oregon, in Vol. No. M99, Page No. 26467. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Oregon Housing and Community Services Department, State of Oregon, by assignment of deed of trust recorded on July 1, 1999, in the Mortgage records of Klamath County, Oregon, in Vol. No. M99, Page No. 26477. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

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The street address or other common designation, if any, of the real property described above is purported to be: 5837 Hillyard Avenue, Klamath Falls, Oregon 97603. The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

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

8 Monthly payments of \$555.95 due from May 1, 2003 through December 1, 2003: \$4,447.60.

8 Late Charges of \$20.78, due on each payment not paid within 15 days of its due date, for monthly payments due on May 1, 2003 through December 1, 2003: \$166.24.

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3 Late Charges of \$20.78, due on each payment not paid within 15 days of its due date, for monthly payments due on January 1, 2004, through March 1, 2004: \$62.34.

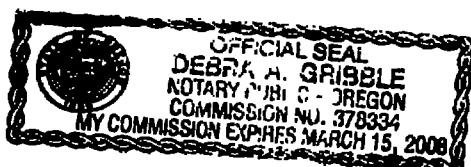
Advances by Lender: Unpaid Irrigation Lien: \$946.08. Attorneys fees and costs re Bankruptcy: \$1,010.18. Sub-Total of Monthly Payments, Late Charges, and Advances in arrears: \$8,420.77.

ALSO, If you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

fees, attorney's fees sums required for protection of the property and additional sums secured by the trust deed.

The Notice of Default and original Trustee's Notice of Sale given pursuant thereto stated that the property would be sold on May 7, 2004, at the hour of 10:00 AM in accord with the standard of time established by ORS 187.110, at the front entrance of the Klamath County Courthouse, 316 Main Street, City of Klamath Falls, County of Klamath, State of Oregon, however, subsequent to the recording of the said Notice of Default, the original sale proceedings were stayed by order of the court or by proceedings under the National Bankruptcy Act or for other lawful reasons. The beneficiary did not participate in obtaining such stay. Such stay was terminated on March 5, 2004.

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: Unpaid principal balance of \$66,020.07, as of April 1, 2003, plus from that date until paid, accrued and accruing interest at the rate of 5.9500% per annum plus any late charges, escrow advances, foreclosure costs, trustee's



WHEREFORE, notice hereby is given that the undersigned trustee will on May 21, 2004 at the hour of 10:00 AM in accord with the standard of time established by ORS 187.110 at the front entrance of the Klamath County Courthouse, 316 Main Street, City of Klamath Falls, County of Klamath, State of Oregon, 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 by him of the said trust deed, together with any interest which the grantor or his 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 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 not 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. Notice is also given that any person named in ORS 86.753 has the right to bring a court action to assert the non-existence of a default or any other defense to acceleration and sale.

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.

This is a communication from a debt collector.

Dated this 31st day of March, 2004. Successor Trustee: Joseph A. Sakay, Oregon Bar #021734. c/o Hillis Clark Martin & Peterson, P.S., 1221 Second Avenue, Suite 500, Seattle, WA 98101-2925. Telephone: (206) 623-1745.
#6543 April 7, 14, 21, 28, 2004.

29212

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

Allison B. Theodore
Name ALLISON B. THEODORE
NOTARY PUBLIC in and for the State of
Washington residing at Shoreline.
My appointment expires 6/19/07.
#273300 40013-471 5%v 011.doc 5/5/2004

After Recording Return To:

Hillis Clark Martin & Peterson, P.S.
Attention: Allison B. Theodore
500 Galland Building
1221 Second Avenue
Seattle, WA 98101-2925

29213

AFFIDAVIT OF NON-MILITARY SERVICE

I Janiece Jungell, the undersigned Affiant, being first duly sworn, state:

That I am now, and at all times herein mentioned was, a citizen of the United States, a resident of the State of Washington, and over the age of eighteen (18) years and competent to make this affidavit, and that on today's date, which is at least 120 days prior to the date of the trustee's sale set in the attached Trustee's Notice Of Sale, that to the best of my knowledge,

Toni L. Wilcox and _____
(Grantor) (Grantor)

Are not and neither is, in the Military Service of the United States, within the meaning of the Soldiers' and Sailors' Civil Relief Act, as amended; that neither person is a member of the United States Marine Corps, Women's Reserve, or Women's Army Auxiliary Corps or Women's Army Corps (WACS), or Women's Coast Guard Reserve (SPARS), or being educated under the supervision of the United States preliminary to induction into the Military Service or under orders to report for induction under the Selective Training and Service Act of 1940, as amended, or as a member of the Enlisted Reserve Corps under orders to report for military service of an American Citizen serving with the forces of any nation allied with the United States in the prosecution of a war, or in the Federal Service or active duty as a member of the Army of the United States, or the United States Navy of the Marine Corps, or the Coast Guard, or as an officer of the Public Health Service within the purview of the Soldiers' and Sailors' Relief Act of 1940, as amended.

That this affidavit is made for the purpose of inducing Joseph A. Sakay, of Hillis Clark Martin & Peterson, P.S., in Seattle, Washington, as Successor Trustee, without leave of court first obtained, to cause certain property to be sold under the terms of a deed of trust pursuant to the power of sale contained therein.

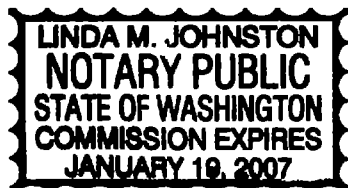
DATED: MAY 11, 2004

By: _____

Representative for Beneficiary

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

SUBSCRIBED AND SWORN to before me this 11th day of May, 2004.



Linda M. Johnston
Name Linda M. Johnston
NOTARY PUBLIC in and for the State of
Washington residing at King County
My appointment expires January 19, 2007