

04 JUN 21 AM 11:12

mtc-64361

Vol M04 Page 39721

AFTER RECORDING RETURN TO:  
Notary Public, at  
Attn: Carol Mart  
PO Box 1474  
Eugene, OR 97408

**AFFIDAVIT OF MAILING OF NOTICE OF SALE**

STATE OF OREGON           )  
                                          ) ss.  
COUNTY OF LANE         )

State of Oregon, County of Klamath  
Recorded 08/21/2004 11:12 a m  
Vol M04 Pg 39721-25  
Linda Smith, County Clerk  
Fee \$ 41.00 # of Pgs 5

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 March 19, 2004:

Wayne A. Powell  
1335 Owens Street  
Klamath OR 97601

Robert K. Schuster  
PO Box 287  
Keno OR 97627-0287

Carol D. Powell  
3916 Homedale  
Klamath Falls OR 97603

Beverly J. Schuster  
PO Box 287  
Keno OR 97627-0287

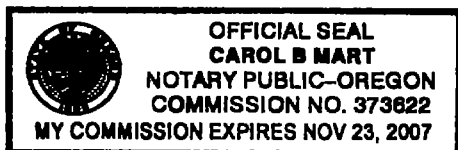
3. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below their names which, to the best of my knowledge, were their last known addresses as of the date of mailing. The copies were mailed by certified mail, return receipt requested, and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

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

Signed and sworn to before me on March 19, 2004, by NANCY K. CARY.

  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: 11-23-07



AFFIDAVIT OF MAILING

4/10 am

39722

AFTER RECORDING RETURN TO:  
Herringer Hunter, et al  
Attn: Carol Hunt  
PO Box 1476  
Seaside, OR 97138

**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 18<sup>th</sup> day of March 2004, after personal inspection, I found the following described real property to be unoccupied.

Commonly described as (Street address) 1335 Owens Street Klamath Falls, Oregon 97601

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

Ed Foreman

Ed Foreman

March 18, 2004

(Signed and Dated)

Subscribed and Sworn to before me this 19 day of March, 2004.



OFFICIAL SEAL  
**SANDRA C COX**  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 336597  
MY COMMISSION EXPIRES OCT. 31, 2004

Sandra C Cox

NOTARY PUBLIC OF OREGON  
MY COMMISSION EXPIRES:

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: WAYNE A. POWELL and CAROL D. POWELL  
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:  
  
Lot 9 in Block 202 of MILLS SECOND 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.
3. **RECORDING.** The Trust Deed was recorded as follows:  
Date Recorded: November 3, 1995  
Volume M95, Page 30153  
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 \$409.00 each, due the 15th of each month, for the months of November 2003 through March 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 \$40,191.91 plus interest at the rate of 8% per annum from October 15, 2003; plus late charges of \$48.54; 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: July 22, 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) 686-0344.

DATED: March 15, 2004.

/s/ Nancy K. Cary

---

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

---

**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.

# Affidavit of Publication

39725

## 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 # 6663

Notice of Sale/Powell

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

Four

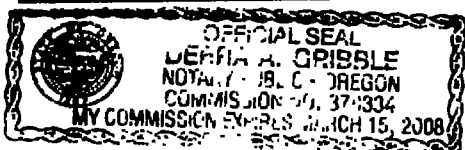
Insertion(s) in the following issues:  
May 14, 21, 28, June 4, 2004

Total Cost: \$553.50

*Jeanine P. Day*  
Subscribed and sworn  
before me on: June 4, 2004

*Debra A. Miller*  
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: Wayne A. Powell and Carol D. Powell; Trustee: William L. Sisemore; 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:

Lot 9 in Block 202 of Mills Second 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.

**3. RECORDING.** The Trust Deed was recorded as follows: Date Recorded: November 3, 1995. Volume M95, Page 30153, 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 \$409.00 each, due the 15th of each month,

for the months of November 2003 through March 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 \$40,191.91 plus interest at the rate of 8% per annum from October 15, 2003; plus late charges of \$48.54; 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: July 22, 2004; Time: 11:00 AM 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) 686-686-0344 (TS #21669.30043).

Dated: March 15, 2004. Nancy K. Cary, Successor Trustee. Hershner, Hunter, Andrews, Neill & Smith, LLP, PO Box 1475, Eugene, OR 97440. #6663. May 14, 21, 28, June 4, 2004.