

MTC - 65591

**AFFIDAVIT OF MAILING
TRUSTEE'S NOTICE OF SALE**

RE: Trust Deed from

Kenneth J. Smith**Diane M. Smith****Grantor**

To:

Nancy L. Peterson**Trustee.**

After recording return to:

Laura J. Walker

Cable Huston Benedict et al

1001 SW Fifth Avenue #2000

Portland Oregon, 97204

Vol **M04** Page **73402**

State of Oregon, County of Klamath

Recorded 10/27/04 11:04 a mVol M04 Pg 73402-07

Linda Smith, County Clerk

Fee \$ 46.00 # of Pgs 6

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, County of Multnomah) ss:

I, Laura J. Walker, being first duly sworn, depose, and say that:

At all times hereinafter mentioned, I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years, and not the beneficiary or the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in the notice of sale.

I gave notice of the sale of the real property described in the attached Trustee's Notice of Sale by mailing copies thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

Kenneth Smith
4143 Marian CT
Klamath Falls, OR 97603

Diane Smith
4143 Marian CT
Klamath Falls, OR 97603

Keystone Mortgage Corporation Inc.
69 Main Street
Keystone, West Virginia, 24852

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

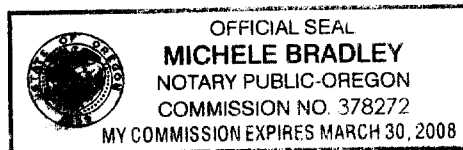
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Richard G. Lorenz, attorney for the trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office in Portland, Oregon, on July 1, 2004. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

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

Subscribed and sworn to before me on October 21, 2004.

Laura J. Walker
Laura J. Walker, Trustee

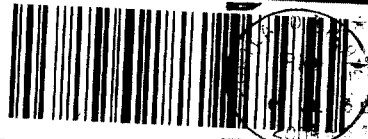
Michele Bradley
Notary Public for Oregon

My commission expires 03-30-04

46.00 am

CABLE HUSTON BENEDICT
HAAGENSEN & LLOYD LLP
ATTORNEYS AT LAW
SUITE 2000
1001 SW FIFTH AVENUE
PORTLAND, OREGON 97204-1136

CERTIFIED MAIL



7003 1680 0004 7489 3613

NOT AT THIS ADDRESS

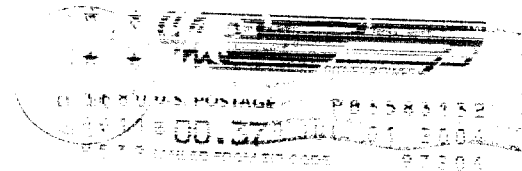
73403

Keystone Mortgage Corporation Inc.
69 Main Street
Keystone, West Virginia 24852

- ☐ A ☐ INSUFFICIENT ADDRESS
☐ C ☐ ATTEMPTED NOT KNOWN
☐ S ☐ NO SUCH NUMBER/ STREET
☒ NOT DELIVERABLE AS ADDRESSED
☐ OTHER
UNABLE TO FORWARD

RTS
RETURN TO SENDER

CABLE HUSTON BENEDICT
HAAGENSEN & LLOYD LLP
ATTORNEYS AT LAW
SUITE 2000
1001 SW FIFTH AVENUE
PORTLAND, OREGON 97204-1136



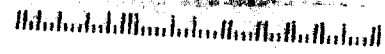
NOT AT THIS ADDRESS

Keystone Mortgage Corporation Inc.
69 Main Street
Keystone, West Virginia 24852

- ☐ A ☐ INSUFFICIENT ADDRESS
☐ C ☐ ATTEMPTED NOT KNOWN
☐ S ☐ NO SUCH NUMBER/ STREET
☒ NOT DELIVERABLE AS ADDRESSED
☐ OTHER
UNABLE TO FORWARD

RTS
RETURN TO SENDER

97204/1136



73404

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kenneth Smith
4143 Marian CT
Klamath Falls, OR 97603

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Diane M Smith* ☐ Agent ☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7003 1680 0004 7489 3637

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Diane Smith
4143 Marian CT
Klamath Falls, OR 97603

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Diane M Smith* ☐ Agent ☒ Addressee

B. Received by (Printed Name)

7/19/01 ☐ Agent ☒ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7003 1680 0004 7489 3620

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

73405

**AFFIDAVIT OF SERVICE
TRUSTEE'S NOTICE OF SALE**

Beneficiary:

GREEN TREE FINANCIAL SERVICING CORPORATION

Vs.

Grantor(s)

KENNETH J. SMITH AND DIANE M. SMITH

For:

Laura J. Walker
CABLE HUSTON BENEDICT HAAGENSEN & LLOYD
1001 SW Fifth Avenue
Suite 2000
Portland, OR 97204

Received by Birddog Security on the 12th day of July, 2004 at 11:46 A.M. to be served on:

OCCUPANT(S) 4143 Marion Court, Klamath Falls, OR 97603

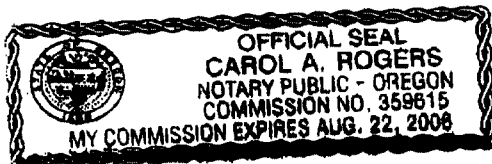
I, Marvin Sommerville, being duly sworn, depose and say that on July 12, 2004 at 8:23 P.M. I served a copy of the **TRUSTEE'S NOTICE OF SALE** on the female occupant living at the address listed above.

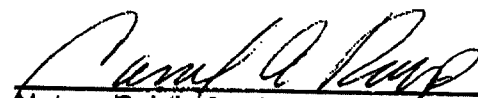
I further certify that I am a competent person over the age of 18 and a resident of the state of Oregon, and that I am not a party to nor an officer, director or employee of nor attorney for any party, corporate or otherwise. That the person served by me is the identical person named in this action. I also declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service including service fees is true and correct.


Marvin Sommerville, Birddog Security

PS 160

Subscribed and sworn to before me on this 13 of October, 2004.




Notary Public for Oregon
My commission expires Aug 22, 2006
CAROL A. ROGERS

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Kenneth J. Smith and Diane M. Smith as grantor, to Nancy L. Peterson as trustee, in favor of Green Tree Financial Servicing Corporation, as beneficiary, dated August 13, 1997, recorded on August 15, 1997 as M97, page 27021, Microfilm Records of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to wit:

Lot 5 in Block 1 of SHADOW HILLS NO. 1, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligation 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 the foreclosure is made is grantor's failure to pay when due the following sums:

Five monthly payments of \$546.58 each due for the months of February 2004 through June 2004 with interest accruing thereon at the contract rate of 8.24% per annum or \$15.28 per diem until paid in full, plus costs and attorneys fees.

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, to-wit:

Principal	\$ 67,687.64
Interest and fees as of June 21, 2004:	\$ 2,155.04
Preliminary Title Report	\$ 354.00
Beneficiary is also entitled to costs and attorney fees..	

WHEREFORE, notice hereby is given that the undersigned trustee will on **November 12, 2004**, at the hour of **10:00 o'clock, a.m.**, in accord with the standard of time established by ORS 187.110, at **the Klamath County Courthouse, 316 Main Street, 2nd floor, 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 grantor of the said trust deed, together with any interest which the grantor or grantor's 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 not exceeding the amounts provided by said ORS 86.753.

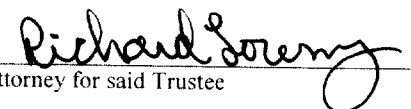
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective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

DATED June 30, 2004


Laura J. Walker Trustee

State of Oregon, County of Multnomah ss:

I, the undersigned attorney of record for the Plaintiff, certify that the foregoing is an exact and complete copy of the original trustee's notice of sale


Attorney for said Trustee

If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of party to be served

SERVE: Occupant
4143 Marian CT
Klamath Falls, OR 97603

Affidavit of Publication

73407

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 # 6952

Notice of Sale/Smith

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:

September 15, 22, 29,

October 6, 2004

Total Cost: \$700.00

Subscribed and sworn

before me on: September 21, 2004

Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Kenneth J. Smith and Diane M. Smith as grantor, to Nancy L. Peterson as trustee, in favor of Green Tree Financial Servicing Corporation, as beneficiary, dated August 13, 1997, recorded on August 15, 1997 as M97, page 27021, Microfilm Records of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to wit:

Lot 5 Block 1 of SHADOW HILLS NO. 1, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligation 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 the foreclosure is made is grantor's failure to pay when due the following sums:

Five monthly payments of \$546.58 each due for the months of February, 2004 through June 2004 with interest accruing thereon at the contract rate of 8.24% per annum or \$15.28 per diem until paid in full, plus costs and attorneys fees.

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, to-wit:

Principal \$67,687.64,
Interest and fees as of June 21, 2004: \$2,155.04,
Preliminary Title Report \$354.00.
Beneficiary is also entitled to costs and attorney fees.

WHEREFORE, notice hereby is given that the undersigned trustee will on November 12, 2004, at the hour of 10:00 o'clock, a.m., in accord with the standard of time established by ORS 187.110, at the Klamath County Courthouse, 316 Main Street, 2nd floor, 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 grantor of the said trust deed, together with any interest which the grantor or grantor's 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 not exceeding the amounts provided by said ORS 86.753.

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

DATED June 30, 2004.

Laura J. Walker, Trustee.

State of Oregon, County of Multnomah ss:

I, the undersigned attorney of record for the Plaintiff, certify that the foregoing is an exact and complete copy of the original trustee's notice of sale

Richard Lorenz, Attorney for said Trustee.

If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of party to be served.

#6952 September 15, 22, 29, October 6, 2004.