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mtc - 60106

AFFIDAVIT OF MAILING OF NOTICE OF SALE

STATE OF OREGON)
) ss.
COUNTY OF LANE)

State of Oregon, County of Klamath
Recorded 11/16/04 3:24 p m
Vol M04 Pg 78948-54
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 August 17, 2004:

Nancy Hill
14889 Anderson Road
Klamath Falls OR 97603-9776

American Express Business
Finance Corporation
13th Floor, Chase Tower
600 Travis Street
Houston TX 77002

Mark M. LeCog
Dan C. Burdett
Schwabe, Williamson & Wyatt
1211 SW Fifth Avenue, Suite 1600
Portland OR 97204

Klamath County Tax Collector
Government Center
305 Main Street
Klamath Falls OR 97601

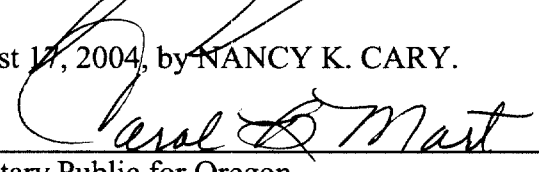
3. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below their names which, to the best of my knowledge, were their last known addresses as of the date of mailing. The copies were mailed by certified mail, return receipt requested, and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



Nancy K. Cary

Signed and sworn to before me on August 17, 2004, by NANCY K. CARY.





Notary Public for Oregon
My Commission Expires: 11-23-07

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

AFFIDAVIT OF MAILING

5/00
am

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

STATE OF: OREGON
COUNTY OF: KLAMATH

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of 14889 Anderson Road Klamath Falls, Oregon 97603
Probable Occupants: Dale R Hill and Nancy A Hill

X PERSONALLY SERVED: Original or True Copy to within named, personally and in person to Dale Hill at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to _____, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

☐ **OTHER METHOD:** By leaving an Original or True Copy with _____.

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on _____ and after personal inspection, I found the above described real property to be unoccupied.

☐ **SUBSTITUTE SERVICE MAILER:** That on the ____ day of _____, 2004 I mailed a copy of the Trustee's Notice of Sale addressed to _____ and all other occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed _____

Occupants of 14889 Anderson Road Klamath Falls, Oregon 97603

ADDRESS OF SERVICE

I further certify that I am a competent person 18 years of age or older and a resident of the state of service 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, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

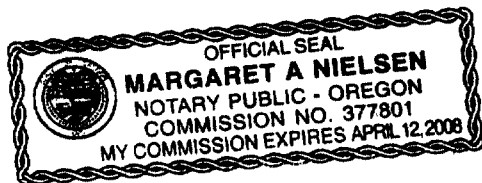
August 16, 2004 5:50PM
DATE OF SERVICE TIME OF SERVICE

☐ or non occupancy

By: Ed Foreman
Ed Foreman

Dated this 17th day of August, 2004.

Subscribed and sworn to before me by Ed Foreman



Margaret A. Nielsen
Notary Public for Oregon

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

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:

A. TRUST DEED ONE:

1. PARTIES:

Grantor:	DALE R. HILL and NANCY A. HILL
Trustee:	WILLIAM L. SISEMORE
Successor Trustee:	NANCY K. CARY
Beneficiary:	STERLING SAVINGS BANK, successor to Klamath First Federal Savings and Loan Association

2. RECORDING. Trust Deed One was recorded as follows:

Date Recorded: May 16, 1989
 Volume M89, Page 8470
 Official Records of Klamath County, Oregon

3. DEFAULT. The Grantor or any other person obligated on Trust Deed One and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose Trust Deed One for failure to pay: Monthly payments in the amount of \$547.00 each, due the 15th of each month, for the months of April through July 2004; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

4. AMOUNT DUE. The amount due on the Note which is secured by Trust Deed One referred to herein is: Principal balance in the amount of \$52,556.31 plus interest at the rate of 9.25% per annum from March 15, 2004; plus late charges of \$69.36; plus advances and foreclosure attorney fees and costs.

B. TRUST DEED TWO:

1. PARTIES:

Grantor:	DALE R. HILL and NANCY A. HILL
Trustee:	PACIFIC CASCADES FINANCIAL INC.
Successor Trustee:	NANCY K. CARY
Beneficiary:	STERLING SAVINGS BANK, successor to Klamath First Federal Savings and Loan Association

2. RECORDING. Trust Deed Two was recorded as follows:

Date Recorded: February 12, 2002
 Volume M02, Page 8538
 Official Records of Klamath County, Oregon

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

3. **DEFAULT.** The Grantor or any other person obligated on Trust Deed Two and the Equity Plus Line of Credit Agreement and Disclosure (the Agreement) secured thereby is in default and the Beneficiary seeks to foreclose Trust Deed Two for failure to pay: Monthly payments due the first of each month for the months of March through August 2004 in the total amount of \$3,212.46; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

4. **AMOUNT DUE.** The amount due on the Agreement which is secured by Trust Deed Two referred to herein is: Principal balance in the amount of \$26,770.93 plus interest at an adjustable rate pursuant to the terms of the Agreement from February 1, 2004; plus late charges of \$80.31; plus advances and foreclosure attorney fees and costs.

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

The SW 1/4 SE 1/4 of Section 35, Township 40 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

EXCEPTING rights of way for ditches as granted to the United States of America by instruments recorded April 13, 1921 in Book 56 at Page 165, and recorded November 5, 1931 in Book 96 at Page 261, All Deed Records of Klamath County, Oregon.

D. **ELECTION TO SELL.** The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deeds. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deeds was recorded in the Official Records of Klamath County Oregon.

E. **TIME OF SALE.**

Date: December 16, 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

F. **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 Deeds 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 Deeds and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deeds, 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 (TS #21669.30056).

DATED: August 3, 2004.

/s/ *Nancy K. Cary*

Nancy K. Cary, Successor Trustee
Hershner Hunter, 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

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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

78953

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 # 6999

Notice of Sale/Hill

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:
October 7, 14, 21, 28, 2004

Total Cost: \$812.00

Jeanine P. Day
Subscribed and sworn
before me on: October 28, 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:

A. TRUST DEED ONE:

1. PARTIES: Grantor: DALE R. HILL and NANCY A. HILL; Trustee: Pacific Cascades Financial Inc., Successor Trustee: Nancy K. Cary; Beneficiary: Sterling Savings Bank, successor to Klamath First Federal

Savings and Loan Association.

2. RECORDING: Trust Deed One was recorded as follows:

Date Recorded: May 16, 1989, Volume M89, Page 8470, Official Records of Klamath County, Oregon.

3. 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 Trust Deed One for failure to pay: Monthly payments in the amount of \$547.00 each, due the 15th of each month, for the months of April through July 2004; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

4. AMOUNT DUE. The amount due on the Note which is secured by Trust Deed One referred to herein is: Principal balance in the amount of \$52,556.31 plus interest at the rate of 9.25% per annum from March 15, 2004; plus late charges of \$69.36; plus advances and foreclosure attorney fees and costs.

B. TRUST DEED TWO:

1. PARTIES: Grantor: DALE R. HILL and NANCY A. HILL, Trustee: Pacific Cascades Financial Inc., Successor Trustee: Nancy K. Cary, Beneficiary: Sterling Savings Bank, successor to Klamath First Federal Savings and Loan Association.

2. RECORDING. Trust Deed Two was recorded as follows:

Date Recorded: February 12, 2002, Volume M02, Page 8538, Official Records of Klamath County, Oregon.

3. DEFAULT. The Grantor or any other person obligated on Trust Deed Two and the Equity Plus Line of Credit Agreement and Disclosure (the Agreement) secured thereby is in default and the Beneficiary seeks to foreclose Trust Deed Two for failure to pay:

4. AMOUNT DUE. The amount due on the Agreement which is secured by Trust Deed Two referred to herein is: Principal balance in the amount of \$26,770.93 plus interest at an adjustable rate pursuant to the terms of the Agreement from February

1, 2004; plus late charges of \$80.31; plus advances and foreclosure attorney fees and costs.

C. DESCRIPTION OF PROPERTY: The real property is described as follows: The SW 1/4 of Section 35, Township 40 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

EXCEPTING rights of way for ditches as granted to the United States of America by instruments recorded April 13, 1921 in Book 56 at Page 165, and recorded November 5, 1931 in Book 96 at Page 261, All Deed Records of Klamath County, Oregon.

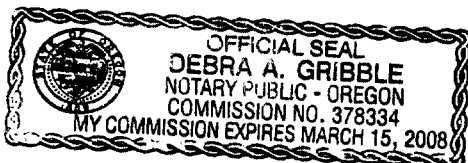
D. ELECTION TO SELL. The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed was recorded in the Official Records of Klamath County, Oregon.

E. TIME OF SALE. Date: December 16, 2004; Time: 11:00 AM as established by ORS 187.110; Place: Front of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon.

F. 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 Deeds rein-

AFTER RECORDING RETURN TO:

Hershner Hunter LLP
Attn: Carol Mart
PO Box 1475
Eugene, OR 97440



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stated 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 Deeds and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deeds, 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 (TS #21669.30056).

Dated: August 3, 2004. Nancy K. Cary, Successor Trustee. Hershner Hunter, LLP, PO Box 1475, Eugene, OR 97440.
#6999 October 7, 14, 21, 28, 2004.

NOV 03 2004