

NT

AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE

RE: Trust Deed from

LINDA L. TIPTON

To

Grantor

AMERITITLE, TRUSTEE

BLAIR M. HENDERSON, SUCCESSOR

TRUSTEE

Trustee

After recording, return to (Name, Address, Zip):

BLAIR M. HENDERSON, ATTORNEY

426 Main Street

Klamath Falls, OR 97601

SPACE RESERVED
FOR
RECORDER'S USEState of Oregon, County of Klamath
Recorded 11/30/04 11:54 a m
Vol M04 Pg 82/23-27
Linda Smith, County Clerk
Fee \$ 4.00 # of Pgs 5

151374061

STATE OF OREGON, County of Klamath) ss:

I, Blair M. Henderson, 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.

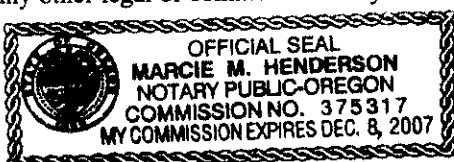
I gave notice of the sale of the real property described in the attached trustee's Notice of Sale by mailing copies thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective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

NAME	ADDRESS
1. Linda L. Tipton Certified Mail Return Receipt 7002 3150 0001 2419 5448	15208 Clover Creek Road Klamath Falls, OR 97601
2. Art Mills - Credit Bureau of Klamath County Certified Mail Return Receipt 7002 3150 0001 2419 5509	P. O. Box 5107 Klamath Falls, OR 97601
3. Klamath County Planning Dept., Attn. Reginald R. Davis Certified Mail Return Receipt 7002 3150 0001 2419 5455	305 Main Street Klamath Falls, OR 97601
4. State of Oregon, Dept. of Revenue, Attn. Deferral Sec. Certified Mail Return Receipt 7002 3150 0001 2419 5462	P. O. Box 14380 Salem, OR 97309

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 Blair M. Henderson, 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 at Klamath Falls, Oregon, on August 6, 2004, 19. 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.



BLAIR M. HENDERSON, Successor Trustee

Subscribed and sworn to before me on August 6, 2004, 19

Notary Public for Oregon

My commission expires 12/8/07

ON

TRUSTEE'S NOTICE OF SALE

82124



Reference is made to that certain trust deed made by Linda L. Tipton

as grantor, to AmeriTitle, Trustee, (Blair M. Henderson, Successor Trustee), as trustee, in favor of James H. Woodard, as beneficiary, dated July 5, 2002, ~~xxx~~, recorded July 15, 2002, ~~xxx~~, in the mortgage records of Klamath County, Oregon, in book/est/volume No. M02 at page 40065, or as fee/file/instrument/microfilm/reception No. n/a (indicate which), covering the following described real property situated in said county and state, to-wit:

Lot 3 in Block 3 of Klamath River Acres, 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 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 the foreclosure is made is grantor's failure to pay when due the following sums:

See Exhibit 1, Paragraph 1, attached hereto and by this reference made a part hereof.

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:

See Exhibit 1, Paragraph 2, attached hereto and by this reference made a part hereof.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 17, 2004, ~~ix~~, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at front steps of the Klamath County Courthouse, 316 Main Street, in the 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 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 said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED August 5, 2004, ~~ix~~

BLAIR M. HENDERSON, Successor Trustee

Trustee

State of Oregon, County of Klamath ss:

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Attorney for said Trustee

SERVE:

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.

1.

- a. Monthly principal and interest installments of \$578.53 each for the following months: October 2002, November 2002, December 2002, January 2003, February 2003, March 2003, April 2003, May 2003, June 2003, July 2003, August 2003, September 2003, October 2003, November 2003, December 2003, April 2004, June 2004, and July 2004; plus accrued interest; delinquent property taxes, if any; cost of foreclosure report; attorney's fees; together with any sums due or that may become due under the Note or by reason of this foreclosure and any further advances made by Beneficiary as allowed by the Note and Trust Deed.
- b. Lien of the State of Oregon, Department of Revenue for Deferred Special Assessment properties, as set forth in notice:
- Recorded : July 3, 2001, Volume M01, page 32385, records of Klamath County, Oregon
Account No. : 499865 and 873323
- c. A judgment for the amount herein stated and any other amounts due:
- Case No. : 03-3188CV
Entered : October 1, 2003
Amount : \$645.02, plus interest, costs, if any
Creditor : Credit Bureau of Klamath County
Debtor : Linda Tipton aka Linda Spears
- d. Terms and provisions contained in Order filed April 15, 2004, Case No. 04-1118CV, as follows:
"A fine of \$600.00 as imposed and then suspended for thirty (30) days providing the defendant abates the nuisances from Defendant's property to the satisfaction of Klamath County."
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2.

- a. The principal sum of \$60,669.16 with interest on the principal balance at the rate of 7.74% per annum from August 7, 2002, until paid; delinquent property taxes, if any; cost of foreclosure report; attorney's fees, trustee's fees, together with any other sums due or that may become due under the Note or by reason of this foreclosure and any further advance made by Beneficiary as allowed by the Note and Trust Deed.
- b. Lien of the State of Oregon, Department of Revenue for Deferred Special Assessment properties, as set forth in notice:
- Recorded : July 3, 2001, Volume M01, page 32385, records of Klamath County, Oregon
Account No. : 499865 and 873323

- c. A judgment for the amount herein stated and any other amounts due:

Case No. : 03-3188CV
Entered : October 1, 2003
Amount : \$645.02, plus interest, costs, if any
Creditor : Credit Bureau of Klamath County
Debtor : Linda Tipton aka Linda Spears

- d. Terms and provisions contained in Order filed April 15, 2004, Case No. 04-1118CV, as follows: "A fine of \$600.00 as imposed and then suspended for thirty (30) days providing the defendant abates the nuisances from Defendant's property to the satisfaction of Klamath County."
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3.

- a. Lien of the Department of Revenue of the State of Oregon, 955 Center Street N.E., Salem, Oregon, 97301-2555, for Deferred Special Assessment properties, as set forth in notice:

Recorded : July 3, 2001, Volume M01, page 32385, records of Klamath County, Oregon

Account No. : 499865 and 873323

- b. A judgment for the amount herein stated and any other amounts due:

Case No. : 03-3188CV
Entered : October 1, 2003
Amount : \$645.02, plus interest, costs, if any
Creditor : Credit Bureau of Klamath County
839 Main Street, Klamath Falls, OR 97601
Debtor : Linda Tipton aka Linda Spears

- c. Terms and provisions contained in Order filed April 15, 2004, Case No. 04-1118CV, Klamath County Planning Department, Plaintiff, 305 Main Street, Klamath Falls, Oregon, 97601, as follows: "A fine of \$600.00 as imposed and then suspended for thirty (30) days providing the defendant abates the nuisances from Defendant's property to the satisfaction of Klamath County."

**NOTICE REQUIRED BY THE FAIR DEBT
COLLECTION PRACTICES ACT, 15 USC SECTION 1692**

1. The amount of the debt is stated in the Trustee's Notice of Sale.
2. The beneficiary named in the Trustee's Notice of Sale is the creditor to whom the debt is owed.
3. The debt described in the Trustee's Notice of Sale will be assumed to be valid by the trustee unless the debtor, within thirty (30) days after the receipt of this notice, disputes the validity of the debt or some portion thereof.
4. If the debtor notifies the trustee in writing within thirty (30) days of receipt of this notice that the debt or any portion thereof is disputed, the trustee will provide verification of the debt, and a copy of the verification will be mailed to the debtor by the trustee.
5. If the creditor named as beneficiary in the Trustee's Notice of Sale is not the original creditor, and if the debtor makes a written request to the trustee within the thirty (30) days from the receipt of this notice, the name and address of the original creditor will be mailed to the debtor by the trustee.
6. Written requests or objections should be addressed to:

BLAIR M. HENDERSON
Attorney at Law
426 Main Street
Klamath Falls, OR 97601
(541) 884-7731
7. This communication is an attempt to collect a debt, and any information obtained will be used for that purpose.