

18 374001
Affidavit of Publication

Vol M04 Page 82135

**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 # 6997
 Notice of Sale/Tipton

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 6, 13, 20, 27, 2004

Total Cost: \$1,232.00

Jeanine P. Day
 Subscribed and sworn
 before me on: October 27, 2004

Debra A. Gribble
 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 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, recorded July 15, 2002, in the mortgage records of Klamath County, Oregon in volume No. M02 at page 40065, or as fee/file/instrument/microfilm/reception No. n/a, 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:

EXHIBIT 1, PARAGRAPH 1

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."

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:

EXHIBIT 1, PARAGRAPH 2

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.

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State of Oregon, County of Klamath
 Recorded 11/30/04 11:54a m
 Vol M04 Pg 82135-36
 Linda Smith, County Clerk
 Fee \$ 26⁰⁰ # of Pgs 2

EXHIBIT 1,
PARAGRAPH 3

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."

WHEREFORE, notice hereby is given that the undersigned trustee will on December 17, 2004, at the hour of 10:00 AM, 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. Blair M. Henderson, Successor 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. #6997 October 6, 13, 20, 27, 2004.

82136

Official Copy