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# Affidavit of Publication

Vol M04 Page 82761

State of Oregon, County of Klamath  
Recorded 12/01/04 2:54 p m  
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Linda Smith, County Clerk  
Fee \$ 2.00 # of Pgs 1

## 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 # 7041

Notice of Sale/Gardner

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 24, 31, November 7, 14, 2004

Total Cost: \$602.00

Jeanine P Day  
Subscribed and sworn  
before me on: November 14, 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 Mary  
Jo Gardner, as  
grantor, to Aspen  
Title and Escrow,  
Inc., as trustee, in  
favor of Mountain  
Estates, Inc., as  
beneficiary, dated  
March 1, 1999, re-  
corded March 1,  
1999, in the mort-  
gage records of Klamath County, Ore-  
gon, in Volume No.  
M99 at page 7134, or  
as No. covering the  
following described  
real property situat-  
ed in said county  
and state, to-wit:

Lot 7, Block 6, Bue-  
na Vista Addition to  
the City of Klamath  
Falls, in the county  
of Klamath, State of  
Oregon.

Both the beneficiary  
and the trustee have  
elected to sell the  
said real property to  
satisfy the obliga-  
tions secured by  
said trust deed and  
a notice of default  
has been recorded  
pursuant to Oregon  
Revised Statutes  
86.735(3); the de-  
fault for which the  
foreclosure is made  
is grantor's failure  
to pay when due the  
following sums:  
Monthly payments  
of \$561.64 for May,  
June and July 2004.

By reason of said  
default the benefi-  
ciary has declared  
all sums owing on  
the obligation se-  
cured by said trust  
deed immediately  
due and payable,  
said sums being the  
following, to-wit:  
\$63,909.40 plus inter-  
est and costs of fore-  
closure.

WHEREFORE, no-  
tice hereby is given  
that the undersigned  
trustee will on De-  
cember 20, hour of  
9:00 o'clock A.M. in

accord with the  
standard of time es-  
tablished by ORS  
187.110, at 419 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 gran-  
tor's successors in  
interest acquired af-  
ter 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. No-  
tice 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 foreclo-  
sure proceeding dis-  
missed and the trust  
deed reinstated by  
payment to the ben-  
eficiary of the entire  
amount then due  
(other than such  
portion of the princi-  
pal as would not  
then be due had no  
default occurred)  
and by curing any  
other default com-  
plained of herein  
that is capable of  
being cured by ten-  
dering the perform-  
ance required under  
the obligations of  
trust deed, and in  
addition to paying  
said sums or tender-  
ing the performance  
necessary to cure  
the default by pay-  
ing all costs and ex-  
penses actually in-  
curred in enforcing  
the obligation and  
trust deed, together  
with trustee's and  
attorney's fees not  
exceeding the  
amounts provided  
by said ORS 753.

In construing this  
notice, the singular  
includes the plural,  
the word "grantor"  
includes any succes-  
sor 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" in-  
clude their respec-  
tive successors in in-  
terest, if any.

Dated: October 20,  
2004. Michael L.  
Spencer, 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 trust-  
ee and that the fore-  
going is a complete  
and exact copy of  
the original trustee's  
notice of sale. Mi-  
chael L. Spencer.  
Attorney for said  
Trustee.  
#7041 October 24, 31,  
November 7, 14,  
2004.