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Affidavit of Publication

State of Oregon, County of Klamath
 Recorded 12/01/04 2:54 p.m.
 Vol M04 Pg 82761
 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

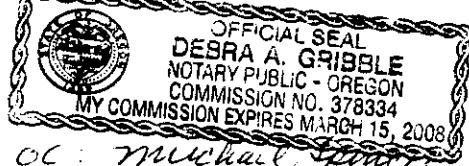
Total Cost: \$602.00

Subscribed and sworn

before me on: November 14, 2004

Notary Public of Oregon

My commission expires March 15, 2008



OC: Michael Spencer

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, recorded March 1, 1999, in the mortgage records of Klamath County, Oregon, in Volume No. M99 at page 7134, or as No. covering the following described real property situated in said county and state, to-wit:

Lot 7, Block 6, Buena 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 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: Monthly payments of \$561.64 for May, June and July 2004.

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: \$63,909.40 plus interest and costs of foreclosure.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 20, hour of 9:00 o'clock A.M. in

accord with the standard of time established 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 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 obligations of 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 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: 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 trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale. Michael L. Spencer. Attorney for said Trustee.

#7041 October 24, 31, November 7, 14, 2004.