

04 DEC 20 PM 12:06

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE	
RE: Trust Deed from Gary and Deborah Weitzel	Grantor
to	
Richard L. Biggs, Esq.	Trustee
AFTER RECORDING RETURN TO	
Richard L. Biggs, Esq. PMB 267 6327-C SW Capitol Highway Portland, OR 97239	

417728

Vol M04 Page 86734

State of Oregon, County of Klamath
Recorded 12/20/04 12:06 p m
Vol M04 Pg 86734-40
Linda Smith, County Clerk
Fee \$ 5.00 # of Pgs 7

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Multnomah) ss:

I, Doris Lemire, being first duly sworn, depose, and say and certify that: At all times hereinafter mentioned I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy 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

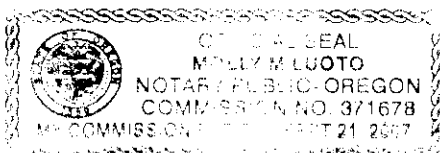
See attached Exhibit "A"

Said 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 required by ORS 86.785. Each of the notices so mailed was certified to be a true copy of the original notice of sale by Doris Lemire, for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Vancouver, Washington, on **August 26, 2004**. 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 and postage thereon in the amount sufficient to accomplish the same. Each of said notice was mailed after the notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Doris Lemire

Subscribed and sworn to before me on 9-15, 2004, by Doris Lemire.



Molly M. Luoto
Notary Public for Oregon
My commission expires 9-21-07

FS1.7

EXHIBIT "A"

Occupants
614 Mt. Whitney Street
Klamath Falls, OR 97601

Gary E. Weitzel
614 Mt. Whitney Street
Klamath Falls, OR 97601

Deborah A. Weitzel
614 Mt. Whitney Street
Klamath Falls, OR 97601

Credit Services of Oregon, Inc.
PO Box 1208
Roseburg, OR 97230

Credit Services of Oregon, Inc.
RA: Mary Inscore
1229-1231 SE Stephens
Roseburger, OR 97240

Jeffrey Hasson, Attorney
12707 NE Halsey Street
Portland, OR 97230

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Gary E. Weitzel and Deborah A. Weitzel, as tenants by the entirety, as grantor, to Aspen Title and Escrow, as trustee, in favor of CitiFinancial, Inc., as beneficiary dated July 31, 2002, recorded August 6, 2002, in the mortgage records of Klamath County, Oregon, as Volume M02, page 44216, covering the following described real property situated in the above-mentioned county and state, to-wit:

The Westerly 26.1 feet of Lot 3 and the Easterly 40.6 feet of Lot 4, Block 14, First Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

(The title company advises the property address is 614 Mt. Whitney Street, Klamath Falls, OR 97601)

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 for March 2004 through August 2004, plus expenses, in the total amount of \$5,870.96, plus real property taxes for 2001-2002 through and including 2003-2004.

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: As of August 20, 2004, the principal sum of \$89,213.57, plus interest; plus any sums advanced by the beneficiary or beneficiary's successor in interest for the protection of the above-described property, plus attorney and trustee's fees incurred by reason of said default.

WHEREFORE, notice hereby is given that the undersigned trustee will on **January 5, 2005, at the hour of 11:00 a.m.**, in accord with the standard of time established by ORS 187.110, **at Klamath County Courthouse, front entrance, 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. The Federal Fair Debt Collection Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.

DATED August 20, 2004


Richard L. Biggs, Successor Trustee
FOR ADDITIONAL INFORMATION CALL (503) 227-6922

State of Oregon, County of Multnomah) ss: I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale.

For said Trustee

FAIR DEBT COLLECTION PRACTICES ACT NOTICE

This is an attempt to collect a debt and any information obtained will be used for that purpose.

If you are the person who signed the Note/Loan Agreement referred to in the Trust Deed, you owe the beneficiary the amount stated in the attached Trustee's Notice of Sale.

If you are the person who signed the Note/Loan Agreement referred to in the Trust Deed, you are hereby notified that unless you notify this office in writing within thirty (30) days after the receipt of this notice that the validity of this debt, or any portion of it, is disputed, we will assume it to be valid. If you send us written notice that you dispute this debt, or any portion thereof, within 30 days after receipt of this notice, we will obtain verification of the debt, or a copy of the judgment. Also, upon your written request within 30 days after receipt of this notice, we will provide you with the name and address of the original creditor if different from the creditor listed in the Notice of Sale.

Written requests should be addressed to:


Richard L. Biggs, P.C.
Attorney at Law
PMB 267, 6327-C SW Capitol Highway
Portland, OR 97221
Phone: (503) 227-6922

86738

STATE OF OREGON)
) ss.
County of Klamath)

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, along with the Notice Under the Federal Fair Debt Collection Practices Act, upon the **OCCUPANTS** at the following address:

The above statement is true and correct.



Jenny Johnson 291380

OFFICIAL SEAL
THERESA A FOELLER
NOTARY PUBLIC - OREGON
COMMISSION NO. 377023
MY COMMISSION EXPIRES FEB. 24, 2008

Sharon G. Haller
Notary Public for Oregon

Weitzel

CERTIFICATE OF MAILING

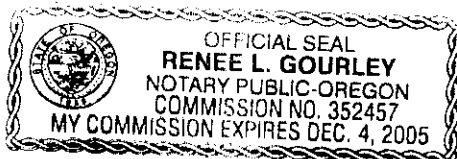
STATE OF OREGON)
) ss.
 County of Multnomah)

I, Carol Stofiel, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On August 31st, 2004, I mailed a true copy of the Trustee's Notice of Sale, along with the Notice Required By The Fair Debt Collection Practices Act, via First Class Mail, postage pre-paid, together with a statement of the date, time, and place at which substitute service was made, to **Gary Weitzel**.

The envelope was addressed as follows: Gary Weitzel
 614 Mt. Whitney Street
 Klamath Falls, OR 97601

Carol Stofiel
 Carol Stofiel 291380

SUBSCRIBED AND SWORN TO BEFORE ME this 31st day of August, 2004 by Carol Stofiel.



Renee L. Gourley
 Notary Public for Oregon

Affidavit of Publication

86740

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 # 7023

Notice of Sale/Weitzel

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 17, 24, 31, November 7, 2004

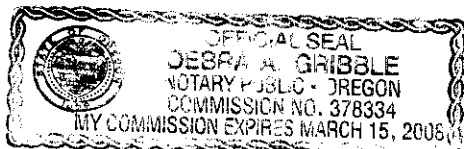
Total Cost: \$742.00

Subscribed and sworn

before me on: October 17, 2004

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 Gary E. Weitzel and Deborah A. Weitzel, as tenants by the entirety, as grantor, to Aspen Title and Escrow, as trustee, in favor of CitiFinancial, Inc., as beneficiary dated July 31, 2002, recorded August 6, 2002, in the mortgage records of Klamath County, Oregon, as Volume M02, page 44216, covering the following described real property situated in the above-mentioned county and state, to-wit:

The Westerly 26.1 feet of Lot 3 and the Easterly 40.6 feet of Lot 4, Block 14, First Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

(The title company advises the property address is 614 Mt. Whitney Street, Klamath Falls, OR 97601)

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 for March 2004 through August 2004, plus expenses, in the total amount of \$5,870.96, plus real property taxes for 2001-2002, through and including 2003-2004.

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: As of August 20, 2004, the principal sum of \$89,213.57, plus interest; plus any sums advanced by the beneficiary or beneficiary's successor in interest for the protection of the above-described property, plus attorney and trustee's fees incurred by reason of said default.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 5, 2005, at the hour of 11:00 a.m., in accord with the standard of time established by ORS 187.110, at Klamath County Courthouse, front entrance, 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. The Federal Fair Debt Collection Practices Act requires we state: This is an attempt to collect a debt, and any information obtained will be used for that purpose.

DATED August 20, 2004. /s/ Richard L. Biggs, Richard L. Biggs, Successor Trustee. FOR ADDITIONAL INFORMATION CALL (503) 227-6922.

State of Oregon, County of Multnomah ss: I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale.

/s/ Doris Lemire For said Trustee. #7023 October 17, 24, 31, November 7, 2004.