

AFFIDAVIT OF MAILING OF NOTICE OF SALE

STATE OF OREGON            )  
   ) ss.  
 COUNTY OF LANE            )

State of Oregon, County of Klamath  
 Recorded 12/22/04 3:13 p m  
 Vol M04 Pg 87673-77  
 Linda Smith, County Clerk  
 Fee \$ 41.00 # of Pgs 5

I, NANCY K. CARY, being first duly sworn, depose and say:

1. I am the Successor Trustee of the Trust Deed described in the attached Trustee's Notice of Sale.

2. I served the attached Trustee's Notice of Sale upon the following parties by depositing true copies thereof in the United States Mail at Eugene, Oregon, on September 13, 2004:

Martin D. Alter  
 115 N Fifth Street  
 Klamath Falls OR 97601

Christy J. B. Alter  
 831 Hillside Avenue  
 Klamath Falls OR 97601

South Valley Bank & Trust  
 PO Box 5210  
 Klamath Falls OR 97601

District Director Internal Revenue Service  
 Attn: Chief, Special Procedures Staff  
 915 Second Avenue, M-S W245  
 Seattle, WA 98174

3. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below their names which, to the best of my knowledge, were their last known addresses as of the date of mailing. The copies were mailed by certified mail, return receipt requested, and by first class mail, with postage prepaid.

Nancy K. Cary

Signed and sworn to before me on September 13, 2004, by NANCY K. CARY.



Notary Public for Oregon

My Commission Expires: 11-23-07

AFTER RECORDING RETURN TO:

Hershner Hunter LLP  
 Attn: Carol Mart  
 PO Box 1475  
 Eugene, OR 97440

AFFIDAVIT OF MAILING

4/00 am

87674

**PROOF OF SERVICE  
JEFFERSON STATE ADJUSTERS**

STATE OF: OREGON  
COUNTY OF: KLAMATH

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: TRUSTEE'S NOTICE OF SALE

FOR THE WITHIN NAMED: Occupants of 951 Ponderosa Drive Klamath Falls, Oregon 97061

**X PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to Marty Alter at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to \_\_\_\_\_, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

☐ **OTHER METHOD:** By leaving an Original or True Copy with \_\_\_\_\_.

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on \_\_\_\_\_ and after personal inspection, I found the above described real property to be unoccupied.

**X SUBSTITUTE SERVICE MAILER:** That on the 17<sup>th</sup> day of September, 2004 I mailed a copy of the Trustee's Notice of Sale addressed to All The Occupants of 951 Ponderosa Drive Klamath Falls, Oregon 97601 and all other occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed \_\_\_\_\_

951 Ponderosa Drive Klamath Falls, Oregon 97061

**ADDRESS OF SERVICE**

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

September 15, 2004

2:09PM

**DATE OF SERVICE**

**TIME OF SERVICE**

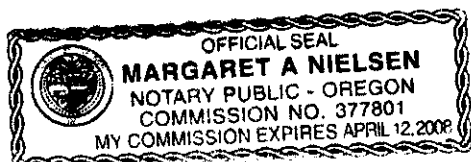
☐ or non occupancy

By: \_\_\_\_\_

Robert W Bolenbaugh

Dated this 17<sup>th</sup> day of September, 2004.

Subscribed and sworn to before me by \_\_\_\_\_ **ROBERT W. BOLENBAUGH**



\_\_\_\_\_  
Notary Public for Oregon

**AFTER RECORDING RETURN TO:**

**Hershner Hunter LLP**

**Attn: Carol Mart**

**PO Box 1475**

**Eugene, OR 97440**

The following Trustee's Notice of Sale is served on you (if mailed, by certified mail, return receipt requested and first class mail) pursuant to ORS Chapter 86, requiring notice of the foreclosure to be given to the grantor of the trust deed, to certain successors in interest of the grantor and junior lien holders, and to the occupants of the property.

TO:

TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

1. PARTIES:
 

Grantor:	MARTIN D. ALTER
Trustee:	ASPEN TITLE AND ESCROW, INC.
Successor Trustee:	NANCY K. CARY
Beneficiary:	UMPQUA BANK, successor by merger to Security Bank
2. DESCRIPTION OF PROPERTY: The real property is described as follows:
 

Lot 6, Block 6 of Tract 1140, LYNNWOOD FIRST ADDITION, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.
3. RECORDING. The Trust Deed was recorded as follows:
 

Date Recorded: August 31, 2000  
Volume M00, Page 32128  
Official Records of Klamath County, Oregon
4. DEFAULT. The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: A partial monthly payment in the amount of \$786.59, due May 1, 2004, plus monthly payments in the amount of \$983.19 each, due the first of each month, for the months of June through August 2004; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.
5. AMOUNT DUE. The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$129,318.88 plus interest at the rate of 7.875% per annum from April 1, 2004; plus late charges of \$540.65; plus advances and foreclosure attorney fees and costs.
6. ELECTION TO SELL. The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.
7. TIME OF SALE.
 

Date: January 13, 2005  
Time: 11:00 a.m. as established by ORS 187.110  
Place: Front of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon
8. RIGHT TO REINSTATE. Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in

**AFTER RECORDING RETURN TO:**

**Hershner Hunter LLP**  
**Attn: Carol Mart**  
**PO Box 1475**  
**Eugene, OR 97440**

enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

Any questions regarding this matter should be directed to Carol Mart, Legal Assistant, (541) 686-0344.

DATED: August 31, 2004.

/s/ *Nancy K. Cary*

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Nancy K. Cary, Successor Trustee  
HERSHNER, HUNTER, ANDREWS,  
NEILL & SMITH, LLP  
P.O. Box 1475  
Eugene, OR 97440

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FAIR DEBT COLLECTION PRACTICES ACT NOTICE

We are attempting to collect a debt on behalf of the beneficiary named above (also referred to as the "creditor") and any information obtained will be used for that purpose. This debt is owed to the creditor in the amount of described above. Under some circumstances, you may receive more than one copy of this notice. Unless you dispute the validity of this debt, or any portion thereof, in writing within 30 days after your first receipt of the original or a copy of this notice, we will assume the debt to be valid. If you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or (if applicable) a copy of a judgment against you and a copy of the verification or (if applicable) the judgment will be mailed to you. We will provide you with the name and address of the original creditor, if different from the creditor named above, if you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that you request such information. This communication is from a debt collector.

# Affidavit of Publication

87677

## 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 # 7078

Trustee's Notice of Sale/Martin D. Alter

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:

November 12, 19, 26, 2004

December 3, 2004

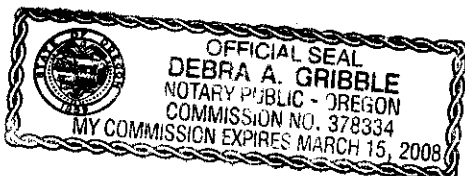
Total Cost: \$602.00

Subscribed and sworn

before me on: December 3, 2004

Notary Public of Oregon

My commission expires March 15, 2008



### TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured there by. Pursuant to ORS 86.753, the following information is provided:

#### 1. PARTIES:

Grantor:  
MARTIN D. ALTER  
Trustee:  
ASPEN TITLE AND ESCROW, INC.  
Successor Trustee:  
NANCY K. CARY  
Beneficiary:  
UMPQUA BANK, successor by merger to Security Bank

#### 2. DESCRIPTION OF PROPERTY:

The real property is described as follows:

Lot 6, Block 6 of Tract 1140, LYNNWOOD FIRST ADDITION, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

#### 3. RECORDING:

The Trust Deed was recorded as follows:  
Date Recorded:  
August 31, 2000  
Volume M00, Page 32128  
Official Records of Klamath County, Oregon

#### 4. DEFAULT.

The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: A partial monthly payment in the amount of \$786.59, due May 1, 2004, plus monthly

payments in the amount of \$983.19 each, due the first of each month, for the months of June through August 2004; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

#### 5. AMOUNT DUE.

The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$129,318.88 plus interest at the rate of 7.875% per annum from April 1, 2004; plus late charges of \$540.65; plus advances and foreclosure attorney fees and costs.

#### 6. ELECTION TO SELL.

The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

#### E. TIME OF SALE.

Date: January 13, 2005  
Time: 11:00 a.m. as established by ORS 187.110  
Place: Front of the Klamath County Courthouse, 316 Main Street, Klamath Falls, OR.

#### 8. RIGHT TO REINSTATE.

Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

Any questions regarding this matter should be directed to Carol Mart, Legal Assistant, (541) 686-0344 (TS #30057.30070).

DATED: August 31, 2004.  
Nancy K. Cary, Successor Trustee.  
Hershner Hunter, LLP, PO Box 1475, Eugene, OR 97440.  
#7078 November 12, 19, 26, 2004 December 3, 2004

AFTER RECORDING RETURN TO:

Hershner Hunter LLP

Attn: Carol Mart

PO Box 1475

Eugene, OR 97440