

After recording return to:

Bishop, White, Miersma & Marshall, P. S. fka Bishop, Lynch & White, P.S.  
720 Olive Way, #1301  
Seattle, WA 98101-1801

Attn:

Davis, 349-x4481.01

Recorded herewith are the following:

- ☐ Affidavit(s) of Mailing # \_\_\_\_\_
- ☐ Proof(s) of Service # \_\_\_\_\_
- ☐ Affidavit of Publication \_\_\_\_\_
- ☐ Certificate(s) of Mailing # \_\_\_\_\_
- ☐ Affidavit of Non-Occupancy \_\_\_\_\_

State of Oregon, County of Klamath  
Recorded 12/30/04 2:22 p m

Vol M04 Pg 89621-28

Linda Smith, County Clerk

Fee \$ 56.00 # of Pgs 8

NOTICE: WE ARE ATTEMPTING TO COLLECT A DEBT, ANY INFORMATION OBTAINED WILL BE USED FOR PURPOSES OF DEBT COLLECTING.

#### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by RUSSELL L. DAVIS and PATRICIA L. DAVIS, husband and wife, as grantor, to Todd Nemitz, as trustee, in favor of United Companies Funding, Inc., as beneficiary, dated April 28, 1998, recorded April 29, 1998, in the mortgage records of Klamath County, Oregon, in BOOK: M-98 PAGE: 14357, and re-recorded May 1, 1998, in the mortgage records of Klamath County, Oregon, in Book: M98 PAGE: 14726. The Beneficial interest in said Deed of Trust was assigned to Deutsche Bank National Trust Company fka Bankers Trust Company of California, N.A. as Custodian or Trustee Under the Applicable Custodial or Trust Agreement by an instrument recorded September 13, 2004 in the mortgage records of Klamath County, Oregon in BOOK: M-04 PAGE: 60875; covering the following described real property situated in said county and state, to-wit:

Lot 8, Tract No. 1302, EVERGREEN MEADOWS, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

Together with an affixed Manufactured Home Title Elimination under the mortgage records of Klamath County, Oregon in Book: M98 Page: 35300.

Both the beneficiary and the trustee, Jennifer L. Aspaas, 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:

1.

#### Monthly Payments:

Delinquent monthly payments from March 1, 2000 through September 1, 2004

55	Payment(s) at	\$824.21	\$45,331.55
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#### Late Charges:

54	Late Charge(s) at	\$5.00	
	for each monthly payment not		
	made within 15 days of its due		
	date:		270.00

*Aspen*

*56.00*

## TOTAL MONTHLY PAYMENTS AND LATE CHARGES

\$45,601.55

## 2. Delinquent Real Property Taxes, if any.

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:

Unpaid balance is \$173,203.56 as of September 14, 2004. In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property may accrue after the date of this notice.

WHEREFORE, notice hereby is given that the undersigned trustee, Jennifer L. Aspaas will on January 26, 2005, at the hour of 11:00 a.m. in accord with the standard of time established by ORS 187.110, at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, of Klamath County, 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.

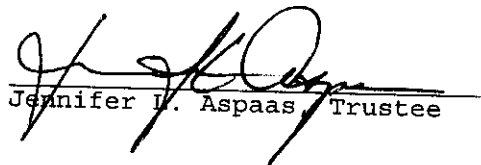
Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred), paying all advances authorized under the trust deed, including all costs and expenses incurred in enforcing the obligation and trust deed, and by curing any other default complained of therein 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

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deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: September 14<sup>th</sup>, 2004.


  
Jennifer L. Aspaas, Trustee

State of Washington )  
County of King ) ss.  
)

I certify that I know or have satisfactory evidence that Jennifer L. Aspaas is the person who appeared before me, and said person acknowledged that she signed the attached Trustee's Notice of Sale and acknowledged it to be her free and voluntary act and deed and for the uses and purposes mentioned in the instrument.

Dated this 14<sup>th</sup> day of September, 2004.



  
PRINTED NAME: Esther Lee  
Notary Public in and for the State of  
Washington, residing at Seattle.  
My Commission Expires: 8-1-07

I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale.

For Information Contact:

Bishop, White, Miersma & Marshall, P. S. fka Bishop, Lynch & White, P.S.  
720 Olive Way, #1301  
Seattle, WA 98101-1801  
(206) 622-7527  
Ref: Davis, 349-x4481.01

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AFFIDAVIT OF MAILING  
Trustee's Notice of Sale

STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

I, Apple Yang, being first duly sworn, depose, 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:

SEE Exhibit "A" Attached hereto and incorporated herein by this reference.

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 Jennifer L. Aspaas, trustee named in said notice; each such copy was contained in a sealed envelope, 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 notices was mailed after 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.

Apple Yang

SUBSCRIBED AND SWORN TO before me this 24<sup>th</sup> day of September, 2004

PRINTED NAME:

**MARGO COUNTRYMAN**

NOTARY PUBLIC in and for the State of Washington residing at Seattle

My Appointment Expires: 8-1-07

AFTER RECORDING RETURN TO:

Bishop, White, Miersma & Marshall, P. S. fka Bishop, Lynch & White, P.S.  
720 Olive Way, Suite 1301  
Seattle, WA 98101-1801

Attn:

FORBASE\OREGON\NOD.FRM REV 9/24/04

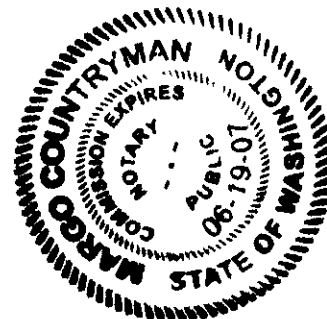


EXHIBIT A

**GRANTORS and ALL OTHER PARTIES:**

Russell L. Davis  
4768 Sayler St  
Klamath Falls, OR 97603

Patricia L. Davis  
4768 Sayler St  
Klamath Falls, OR 97603

Occupants of the Premises  
4768 Sayler St  
Klamath Falls, OR 97603

Russell L. Davis  
4768 Sayler Rd  
Klamath Falls, OR 97603

Patricia L. Davis  
4768 Sayler Rd  
Klamath Falls, OR 97603

Occupants of the Premises  
4768 Sayler Rd  
Klamath Falls, OR 97603

Russell L. Davis  
284 W HERSEY ST 7  
ASHLAND, OR 97520

Patricia L. Davis  
284 W HERSEY ST 7  
ASHLAND, OR 97520

Russell L. Davis  
2003 Carlson Dr  
Klamath Falls, OR 97603

Patricia L. Davis  
2003 Carlson Dr  
Klamath Falls, OR 97603

# Affidavit of Publication

89626

## 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 # 7069

Trustee's Notice of Sale/Russell Davis

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: ( 4 )  
Four

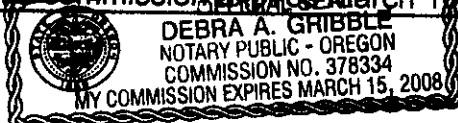
Insertion(s) in the following issues:  
November 10, 17, 24, 2004  
December 1, 2004

Total Cost: \$1,022.00

*Jeanine P Day*  
Subscribed and sworn  
before me on: December 1, 2004

*Debra A. Gribble*  
Notary Public of Oregon

My commission expires March 15, 2008



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Delinquent monthly payments from March 1, 2000, through September 1, 2004

55 Payment (s) at \$824.21 \$45,331.55

#### Late Charges:

54 Late Charge (s) at \$5 for each monthly payment not made within 15 days of its due date: \$270.00

**TOTAL MONTHLY PAYMENTS AND LATE CHARGES \$45,601.55**

#### 2. Delinquent Real Property Taxes, if any.

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:

Unpaid balance is \$173,203.56 as of September 14, 2004. In addition there are

attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property may accrue after the date of this notice.

**WHEREFORE,** notice hereby is given that the undersigned trustee, Jennifer L. Aspaas will on January 26, 2005, at the hour of 11:00 a.m. in accord with the standard of time established by ORS 187.110, at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, of Klamath County, 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 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 rein-

stated 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), paying all advances authorized under the trust deed, including all costs and expenses incurred in enforcing the obligation and trust deed, and by curing any other default complained of therein 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 85.753.

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: September 14, 2004.

Jennifer L. Aspaas,  
Trustee

State of Washington  
County of King) ss.

I certify that I know or have satisfactory evidence that Jennifer L. Aspaas is the person who appeared before me, and said person acknowledged that she signed the attached Trustee's Notice of Sale and acknowledged it to be her free and voluntary act and deed and for the uses and purposes mentioned in the instrument.

Dated this 14th day  
of September, 2004  
PRINTED NAME:  
Esther Lee

For Information  
Contact:

Bishop, White,  
Miersma & Marshall,  
P. S. fka Bishop,  
Lynch & White,  
P. S.  
720 Olive Way #1301  
Seattle, WA  
98101-1801  
(206) 622-7527  
Ref: Davis, 349-  
X4481.01  
#7069 November 10,  
17, 24, 2004 December 1, 2004

**349-X4481/Davis**

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## AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON               )  
County of Klamath             ) ss.  
  )

I, Ed Foreman, being first duly sworn, depose and say:

That I am, and have been at all material times hereto, a competent person over the age of eighteen years and a resident of Klamath County, State of Oregon. I am not a party to, an attorney in, or interested in any suit of action involving the property described below.

That on the 16th day of September 2004, after personal inspection, I found the following described real property to be unoccupied:

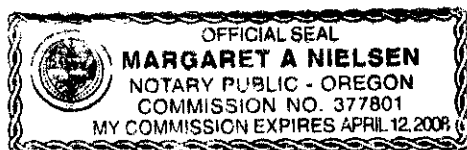
Lot 8, Tract No. 1302, EVERGREEN MEADOWS, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon. Together with an affixed Manufactured Home Title Elimination under the mortgage records of Klamath County, Oregon in Book: M98 Page: 35300.

**Commonly known as:** 4768 Sayler Street  
Klamath Falls, OR 97603

**I declare under the penalty of perjury that the above statements are true and correct.**

*Ed Foreman*  
Ed Foreman 292023

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of September 2004, by Ed Foreman.



Margaret C. Nelson  
Notary Public for Oregon