

AFFIDAVIT OF MAILING OF NOTICE OF SALE

STATE OF OREGON                    )  
  ) ss.  
COUNTY OF LANE                    )

State of Oregon, County of Klamath  
Recorded 01/03/2005 11.06 a m  
Vol M05 Pg 00073-78  
Linda Smith, County Clerk  
Fee \$ 46.00 # of Pgs 6

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 October 4, 2004:

Joe A. Shotwell  
37465 Modoc Point Road  
Ciloquin OR 97624

Ford Motor Credit Company  
c/o Hooper, Englund & Heil LLP  
1100 SW Sixth Avenue, Suite 1507  
Portland OR 97201

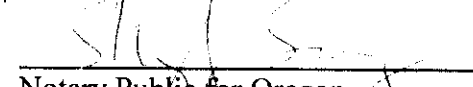
Shirley A. Shotwell  
37465 Modoc Point Road  
Ciloquin OR 97624

Carter-Jones Collection LLC  
PO Box 145  
Klamath Falls OR 97601

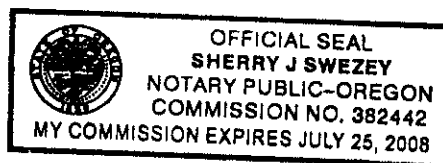
3. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below their names which, to the best of my knowledge, were their last known addresses as of the date of mailing. The copies were mailed by certified mail, return receipt requested, and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

  
\_\_\_\_\_  
Nancy K. Cary

Signed and sworn to before me on October 4, 2004, by NANCY K. CARY.

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 7-25-2008

AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Carol Mart  
PO Box 1475  
Eugene, OR 97440



AFFIDAVIT OF MAILING

460 me

**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 37465 Modoc point Road Chiloquin, OR 97624

**XPERSONALLY SERVED:** Original or True Copy to within named, personally and in person to Jim Collins at the address below.

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

☐ **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.

☐ **SUBSTITUTE SERVICE MAILER:** That on the \_\_\_\_ day of \_\_\_\_\_, 2004 I mailed a copy of the Trustee's Notice of Sale addressed to \_\_\_\_\_ 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 \_\_\_\_\_

37465 Modoc point Road Chiloquin, OR 97624

**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.

October 2, 2004

2:57PM

**DATE OF SERVICE**

**TIME OF SERVICE**

☐ or non occupancy

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

Kent Pederson

Dated this 6th day of October, 2004.

Subscribed and sworn to before me by Kent Pedersen



Margaret A. Nielsen  
Notary Public for Oregon

**AFTER RECORDING RETURN TO:**

**Hershner Hunter LLP**

**Attn: Carol Mart**

**PO Box 1475**

**Eugene, OR 97440**

NOTICE OF SUBSTITUTE SERVICE

TO:

Merris Collins  
 37465 Modoc Point Road  
 Chiloquin OR 97624

You are hereby notified that you were served with a Trustee's Notice of Sale, a true copy of which is attached hereto, by delivery of an original copy of the Notice of Sale at your dwelling house or usual place of abode indicated above, as follows:

Date and Time of Service: October 2, 2004, 2:57 p.m.

Person to Whom the Notice  
 Was Delivered: James Collins

/s/ Nancy K. Cary  
 NANCY K. CARY,  
 Successor Trustee

AFFIDAVIT OF MAILING

STATE OF OREGON        )  
                                   ) ss.  
 COUNTY OF LANE        )

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

I mailed an original Notice of Substitute Service, a true copy of which appears above, together with a true copy of the Notice of Sale referred to therein, by placing them in a sealed envelope, addressed as shown above and mailed by certified mail, return receipt requested, with postage prepaid in the United States Mail at Eugene, Oregon, on October 4, 2004.

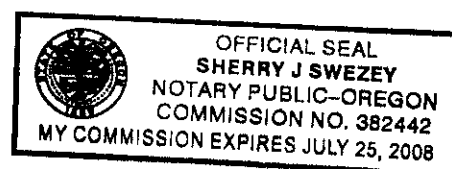
NANCY K. CARY

Signed and sworn to before me on October 4, 2004, by NANCY K. CARY.

**AFTER RECORDING RETURN TO:**  
**Hershner Hunter LLP**  
**Attn: Carol Mart**  
**PO Box 1475**  
**Eugene, OR 97440**

Sherry J. Swezey  
 Notary Public for Oregon  
 My Commission Expires: 7-25-2008

NOTICE OF SUBSTITUTE SERVICE



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:	JOE A. SHOTWELL and SHIRLEY A. SHOTWELL
Trustee:	WILLIAM GANONG, JR.
Successor Trustee:	NANCY K. CARY
Beneficiary:	STERLING SAVINGS BANK, Successor to First Federal Savings and Loan Association

2. DESCRIPTION OF PROPERTY: The real property is described as follows:

Beginning at a point 319.3 feet West of the Northeast corner of Lot 16, Section 6, Township 35 South, Range 7 East of the Willamette Meridian; thence South 165 feet; thence West 319.3 feet to the East line of former Dalles-California Highway, thence North along East line of said highway 165 feet; thence East 319.3 feet to the point of beginning.

3. RECORDING. The Trust Deed was recorded as follows:

Date Recorded: January 4, 1977  
Book M-77, Page 134  
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: Monthly payments in the amount of \$363.49 each, due the 25th 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 \$7,118.82 plus interest at the rate of 8.5% per annum from May 25, 2004; plus late charges of \$28.90; 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: February 3, 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

AFTER RECORDING RETURN TO:

Hershner Hunter LLP

Attn: Carol Mart

PO Box 1475

Eugene, OR 97440

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.

DATED: September 24, 2004.

/s/ *Nancy K. Cary*

---

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

---

**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

00078

## 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 # 7102

Notice of Sale/Joe A. & Shirley A. Shotwell

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 26, December 3, 10, 17, 2004

Total Cost: \$602.00

Subscribed and sworn

before me on: December 17, 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 thereby. Pursuant to ORS 86.745, the following information is provided:

1. PARTIES: Grantor: JOE A. SHOTWELL and SHIRLEY A. SHOTWELL; Trustee: WILLIAM G. ANONG, JR.; Successor Trustee: NANCY K. CARY; Beneficiary: STERLING SAVINGS BANK, Successor to First Federal Savings and Loan Association.

2. DESCRIPTION OF PROPERTY: The real property is described as follows:

Beginning at a point 319.3 feet West of the Northeast corner of Lot 16, Section 6, Township 35 South, Range 7 East of the Willamette Meridian; thence South 165 feet; thence West 319.3 feet to the East line of former Dalles-California Highway, thence North along East line of said highway 165 feet; thence East 319.3 feet to the point of beginning.

3. RECORDING. The Trust Deed was recorded as follows: Date Recorded: January 4, 1977, Book M-77, Page 134, 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: Monthly payments in the amount of \$363.49 each, due the 25th 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 Trust Deed referred to herein is: Principal balance in the amount of \$7,118.82 plus interest at the rate of 8.5% per annum from May 25, 2004; plus late charges of \$28.90; 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 was recorded in the Official Records of Klamath County, Oregon.

7. TIME OF SALE. Date: February 3, 2005; Time: 11:00 AM 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

missed 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 #21669.30020).

Dated: September 24, 2004. Nancy K. Cary, Successor Trustee. Hershner Hunter, LLP, PO Box 1475, Eugene, OR 97440. #7102 November 26, December 3, 10, 17, 2004.

FOR RECORDING RETURN TO:

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