

'05 FEB 15 AM 10:43

Vol M05 Page 10330

ASPN59131

**RECORDING COVER SHEET  
FOR NOTICE OF SALE PROOF  
OF COMPLIANCE, PER ORS 205.234**

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON  
PRESENTING THE ATTACHED INSTRUMENT FOR  
RECORDING. ANY ERRORS IN THIS COVER SHEET  
DO NOT AFFECT THE TRANSACTION(S) CONTAINED  
IN THE INSTRUMENT ITSELF.

State of Oregon, County of Klamath  
Recorded 02/15/2005 10:43 a m  
Vol M05 Pg 10330-34  
Linda Smith, County Clerk  
Fee \$ 41.00 # of Pgs 5

**AFTER RECORDING RETURN TO:**

Andrew C. Brandsness  
411 Pine Street  
Klamath Falls, or 97601

MARK NAME(S) OF ALL THE TRANSACTION(S) described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.

☒ **AFFIDAVIT OF MAILING NOTICE OF SALE (must have trustee's notice of sale attached)**

☒ **AFFIDAVIT OF PUBLICATION NOTICE OF SALE**

☒ **PROOF OF SERVICE**

**Original grantor on Trust Deed:**

**D. W. Daniels and W. J. Daniels**

**Beneficiary**

**Gayle Payne Nicholson**

41-x

RETURN TO:  
 Brandsness, Brandsness & Rudd, P.C.  
 411 Pine Street  
 Klamath Falls, OR 97601

**AFFIDAVIT OF MAILING NOTICE OF SALE TO GRANTOR,  
 SUCCESSOR IN INTEREST TO GRANTOR AND PERSON REQUESTING NOTICE**

STATE OF OREGON                    )  
   ) ss:  
 County of Klamath                )

I, William P. Brandsness, 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 Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original notice of sale given under the terms of that certain trust 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:

W. J. Daniels  
 1424 Pleasant Avenue  
 Klamath Falls, OR 97601

W. J. Daniels  
 1917 Laurel Street  
 Klamath Falls, OR 97601

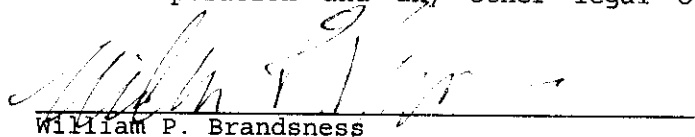
Oregon Dept. of Environmental Quality  
 Attn: Stephanie Hallock, Director  
 811 SW Sixth Avenue  
 Portland, OR 97204-1390

Alfred A. Reginato  
 1743 Kearny Court  
 Fairfield, CA 94533

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) and any person, including the Department of Revenue or an 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.

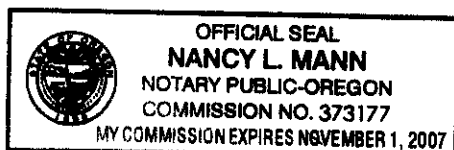
Each of the notices so mailed was certified to be a true copy of the original notice of sale by the trustee Andrew C. Brandsness; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on October 22, 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 notices 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.

  
 William P. Brandsness

STATE OF OREGON                    )  
   ) ss.  
 County of Klamath                )

Personally appeared before me this 22 day of October, 2004, William P. Brandsness and acknowledged the foregoing instrument to be his voluntary act and deed.



  
 Notary Public for Oregon  
 My Commission expires: 11-1-07

**NOTICE OF DEFAULT  
AND ELECTION TO SELL AND OF SALE**

Reference is made to a certain trust deed ("Trust Deed") made, as follows:

D. W. Daniels and W. J. Daniels, Grantor; Aspen Title & Escrow, Inc., Trustee; and Gayle Payne Nicholson, Beneficiary, recorded in Official/Microfilm Records, Volume M97, Page 17449, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 1917 Laurel Street, Klamath Falls, Oregon ("Property"):

The W 1/2 of Lot 16, Block 2, RIVERVIEW, according to the official plat thereon on file in the office of the Clerk of Klamath County, Oregon, together with a 1960 Marlette Mobile Home, VIN K250XFK638

The defaults for which foreclosure is made is grantor's failure to pay when due the following sums:

Failed to make the monthly payment of \$250 due July 5, 2001, and subsequent monthly payments; failed to pay 1998 through 2003 Klamath County Real and Personal Property Taxes.

By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

The principal amount of \$13,832.29 plus interest thereon at the rate of 9% per annum from November 12, 2001, until paid; the sum of \$621.96 as reimbursement to beneficiary of 1998 through 2003 Klamath County Real and Personal Property taxes and tax warrants paid, plus interest thereon at the rate of 9% per annum until paid, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

WHEREFORE, notice hereby is given that the undersigned trustee will, on March 3, 2005, at the hour of 10:00 o'clock a.m., in accord with the standard of time established by ORS 187.110, at the following place: Office of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the above-described 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 the Trust Deed, to satisfy the 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 sum 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 each and every grantor, any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Deeds of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: October 19, 2004.



Andrew C. Brandsness, Successor Trustee  
411 Pine Street  
Klamath Falls, OR 97601

STATE OF OREGON                     )  
  ) ss.  
County of Klamath                     )

I, the undersigned, certify that the foregoing is a complete and exact copy of the original Notice of Sale.

\_\_\_\_\_  
Andrew C. Brandsness, Successor Trustee

RETURN TO:  
 Brandsness, Brandsness & Rudd, P.C.  
 411 Pine Street  
 Klamath Falls, OR 97601

**TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY**

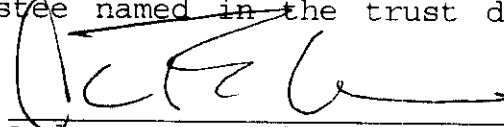
STATE OF OREGON            )  
                                       ) ss.  
 County of Klamath        )

I, Andrew C. Brandsness, being first duly sworn, depose, say and certify that:

I am the successor trustee in that certain trust deed executed and delivered by D. W. Daniels and W. J. Daniels as grantor to Aspen Title & Escrow, Inc. as trustee in which Gayle Payne Nicholson is beneficiary, recorded on June 6, 1997 in the mortgage records of Klamath, Oregon, in book/volume No. M97 at page 17449.

I hereby certify that on October 21, 2004, the real property described in the afore-mentioned trust deed was not occupied.

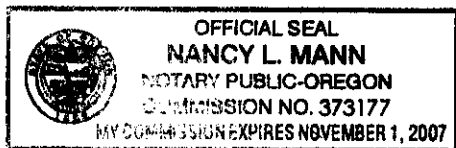
The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.

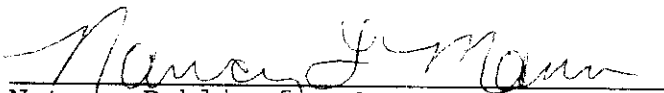


Andrew C. Brandsness

STATE OF OREGON            )  
                                       ) ss.  
 County of Klamath        )

Personally appeared before me this 22 day of October, 2004, Andrew C. Brandsness and acknowledged the foregoing instrument to be his voluntary act and deed.



  
 Notary Public for Oregon  
 My Commission expires: 11-1-07

# Affidavit of Publication

10334

## 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 # 7150

Notice of Sale/D.W. & W.J. Daniels

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:  
December 29, 2004, January 5, 12, 19, '05

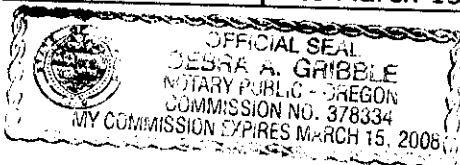
Total Cost: \$728.00

Subscribed and sworn

before me on: January 19, 2005

Notary Public of Oregon

My commission expires March 15, 2008



### NOTICE OF DEFAULT AND ELECTION TO SELL AND OF SALE

Reference is made to a certain trust deed ("Trust Deed") made, as follows:

D. W. Daniels and W. J. Daniels, Grantor; Aspen Title & Escrow, Inc., Trustee; and Gayle Payne Nicholson, Beneficiary, recorded in Official/Microfilm Records, Volume M97, Page 17449, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 1917 Laurel Street, Klamath Falls, Oregon ("Property"):

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and tax warrants paid, plus interest thereon at the rate of 9% per annum until paid, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

WHEREFORE, notice hereby is given that the undersigned trustee will, on March 3, 2005, at the hour of 10:00 o'clock a.m., in accord with the standard of time established by ORS 187.110, at the following place: Office of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the above-described 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 the Trust Deed, to satisfy the 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 sum or tendering the performance necessary to cure the default, by pay-

ing 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 each and every grantor, any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Deeds of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: October 19, 2004.

/s/ Andrew C. Brandsness, Successor Trustee  
411 Pine Street  
Klamath Falls, OR 97601  
STATE OF OREGON,  
County of Klamath)

ss.  
I, the undersigned, certify that the foregoing is a complete and exact copy of the original Notice of Sale.

/s/ Andrew C. Brandsness, Successor Trustee.  
#7150 December 29, 2004, January 5, 12, 19, 2005.