

05 MAY 27 AM 11:47

Return to: John R. Hanson
800 W 8th St
Medford, Or 97501

Vol M05 Page 39370

State of Oregon, County of Klamath

Recorded 05/27/05 11:47a m

Vol M05 Pg 39370-80

Linda Smith, County Clerk

Fee \$ 21.00 # of Pgs 11

TRUSTEE'S NOTICE OF SALE

511636

Reference is made to that certain Trust Deed executed and delivered by **NATHAN**

L. BIGBY and JANE BIGBY, as the **GRANTOR**; to **FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON**, as the **TRUSTEE**; for the benefit of **AZELINE WITT**, as the **BENEFICIARY**, under that Trust Deed dated April 24, 2003, and recorded on April 29, 2003, in Volume M03 at Page 27832 in the Official Records of Klamath County, State of Oregon, given to secure payment of a Promissory Note in the amount of fifteen thousand five hundred dollars (\$15,500.00), with interest thereon at the rate of thirteen percent (13%) per annum, until paid.

The Deed of Trust covers the following described real property located in Klamath County, State of Oregon:

A parcel of land situated in the SE 1/4 of the NE 1/4 of Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Westerly right of way line of State Highway No. 39, said point being South 1,796.87 feet and South 89°47'00" West 30.00 feet from the Northeast corner of Section 25; running thence South 89°47'00" West 343.50 feet; thence South 193.47 feet to the lands described in Book 100 page 457, Deed records of Klamath County, Oregon; thence along the Northerly boundary of said described lands, East 343.50 feet to the Westerly right of way line of State Highway No. 39; thence along said right of way line, North 194.76 feet to the point of beginning. (Being Parcel 3 of Partition No. 36-85)

The Beneficiary and the Trustee have elected to sell the real property to satisfy the obligation secured by said Trust Deed and to foreclosure said Deed by advertisement and sale;

The Note and Trust Deed are delinquent. The default for which foreclosure is made is:

- 1. Failure to pay the assessments due the Klamath Irrigation District in the sum of one thousand one hundred seventy-six dollars (\$1,176.00);*
- 2. Failure to pay the monthly payments on the Note beginning with the month of June 2004, and all subsequent months.*
- 3. Failure to pay and failure to furnish proof that the real property taxes are paid.*
- 4. Failure to pay the insurance and failure to furnish proof that Azeline Witt is named as an additional insured.*
- 5. Failure to pay attorney fees and collection costs.*

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and collectible, said sums being the following:

The sum of eighteen thousand four hundred ninety-nine dollars (\$18,499.00), with interest paid to May 1, 2005, together with the Beneficiary's attorney fees and foreclosure costs.

A Notice of Default and Election to Sell was duly recorded on the 12th day of January, 2005, in Volume M05 at Page 2587, in the Official Records of Klamath County, State of Oregon.

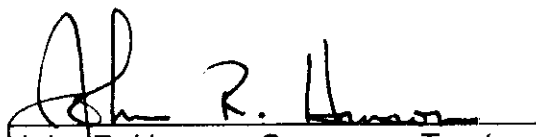
WHEREFORE, notice is given that the undersigned Trustee will on WEDNESDAY, JUNE 15, 2005, AT THE HOUR OF 10:00 A.M. STANDARD TIME, as established by Section 187.110 of the Oregon Revised Statutes ON THE FRONT STEPS OF THE LAW OFFICES OF JUSTIN THRONE, ATTORNEY AT LAW, LOCATED AT 280 MAIN STREET, KLAMATH FALLS, OREGON, 97601, which is the hour, date and place fixed by the trustee for said sale, sell at public auction to the highest bidder for cash, the interest in the above-described real property that the Grantor had or had the power to convey at the time of the execution

by him of said Trust Deed, together with any interest which the Grantor or his 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 and his attorney.

Notice is further given that any person named in section 86.740 of the Oregon Revised Statutes has the right to have the foreclosure proceedings dismissed and the Trust Deed reinstated by payment of the entire amount due (other than that portion of the principal as would not then be due had no default occurred) and by curing any other default 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 fees at any time prior to five days before the date set for said sale.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantors 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 this 25 day of January, 2005.


John R. Hanson, Successor Trustee
Attorney at Law
800 W. 8th Street
Medford, OR 97501

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

39373

STATE OF OREGON)
) ss.
County of Jackson)

I, John R. Hanson, being first duly sworn, depose and certify that:

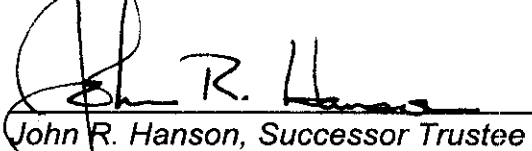
At all times hereafter mentioned I was and now am a resident of the state of Oregon, a competent person over the age of 18 years and not the beneficiary or the successor in interest named in the attached Notice of Sale given under the terms of that certain Trust Deed described in said Notice.

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 or by personal service to each of the following named persons (or their legal representatives) at their respective last known addresses as follows:

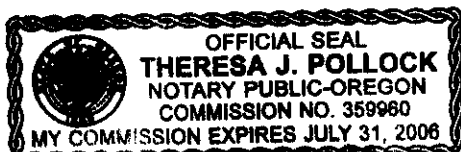
<u>NAME AND ADDRESS</u>	<u>HOW SERVED</u>	<u>DATE MAILED</u>
Nathan Bigby 4647 Winter Avenue #16 Klamath Falls, OR 97603	First Class Mail Certified Mail Return Receipt Requested	January 24, 2005
Jane Bigby 4647 Winter Avenue, #16 Klamath Falls, OR 97603	First Class Mail Certified Mail Return Receipt Requested	January 24, 2005

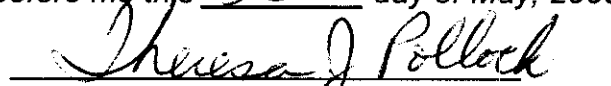
Said persons include (a) the Grantor in the Trust Deed, (b) any successor in interest to the Grantor whose interest appears of record or whose interest the Trustee or beneficiary has actual notice; (c) any person, including the Department of Revenue or any other State agency, having a lien or interest 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 86.740.

Each notice so mailed was certified to be a true copy of the original Notice of Sale by John R. Hanson, attorney for the beneficiary named in said Notice; each such copy was contained in a sealed envelope with postage thereon fully prepaid and deposited by me in the United States Post Office at Medford, Oregon, on January 24, 2005. 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 were mailed after the Notice of Default and Election to Sell described in said Notice of Sale was recorded.


John R. Hanson, Successor Trustee

SUBSCRIBED AND SWORN to before me this 25 day of May, 2005.




Notary Public for Oregon
My Commission Expires: 7/31/06

Affidavit of Publication

39374

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 # 7372

Notice of Sale/Nathan L. & Jane Bigby

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:

April 5, 12, 19, 26, 2005

Total Cost: \$940.80

Jeanine P. Day

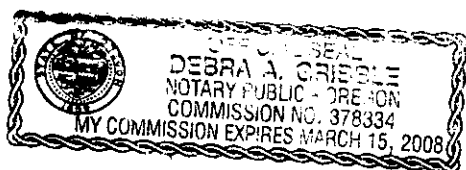
Subscribed and sworn

before me on: April 26, 2005

Debra A. Grizzle

Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed executed and delivered by Nathan L. Bigby and Jane Bigby, as the Grantor to First American Title Insurance Company of Oregon, as the Trustee for the benefit of Azeline Witt, as the Beneficiary, under that Trust Deed dated April 24, 2003, and recorded on April 29, 2003, in Volume M03 at Page 27832 in the Official Records of Klamath County, State of Oregon, given to secure payment of a Promissory Note in the amount of fifteen thousand five hundred dollars (\$15,500.00), with interest thereon at the rate of thirteen percent (13%) per annum, until paid.

The Deed of Trust covers the following described real property located in Klamath County, State of Oregon:

A parcel of land situated in the SE 1/4 of the NE 1/4 of Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Westerly right of way line of State Highway No. 39, said point being South 1,796.87 feet and South 89 degree 47' 00" West 30.00 feet from the North-

east corner of Section 25; running thence South 89 degree 47' 00" West 343.50 feet; thence South 193.47 feet to the lands described in Book 100 page 457, Deed records of Klamath County,

Oregon; thence along the Northerly boundary of said described lands, East 343.50 feet to the Westerly right of way line of State Highway No. 39; thence along said right of way line, North 194.76 feet to the point of beginning. (Being Parcel 3 of Partition No. 36-85)

The Beneficiary and the Trustee have elected to sell the real property to satisfy the obligation secured by said Trust Deed and to foreclose said Deed by advertisement and sale;

The Note and Trust Deed are delinquent. The default for which foreclosure is made is:

1. Failure to pay the assessments due the Klamath Irrigation District in the sum of one thousand one hundred seventy-six dollars (\$1,176.00);
2. Failure to pay the monthly payments on the Note beginning with the month of June 2004, and all subsequent months.
3. Failure to pay and failure to furnish proof that the real property taxes are paid.
4. Failure to pay the insurance and failure to furnish proof that Azeline Witt is named as an additional insured.
5. Failure to pay attorney fees and collection costs.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and collectible, said sums being the following:

The sum of eighteen thousand four hundred ninety-nine dol-

lars (\$18,499.00), with interest paid to May 1, 2005, together with the Beneficiary's attorney fees and foreclosure costs.

A Notice of Default and Election to Sell was duly recorded on the 12th day of January, 2005, in Volume M05 at Page 2587, in the Official Records of Klamath County, State of Oregon.

Wherefore, notice is given that the undersigned Trustee will on Wednesday, June 15, 2005, at the hour of 10:00 AM Standard Time, as established by Section 187.110 of the Oregon Revised Statutes on the front steps of the law offices of Justin Throne, Attorney at Law, located at 280 Main Street, Klamath Falls, Oregon 97601, which is the hour, date and place fixed by the trustee for said sale, sell at public auction to the highest bidder for cash, the interest in the above-described real property that the grantor had or had the power to convey at the time of the execution by him of said Trust Deed, together with any interest which the Grantor or his 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 and his attorney.

Notice is further given that any person named in section 86.740 of the Oregon Revised Statutes has the right to have the foreclosure proceedings dis-

missed and the Trust Deed reinstated by payment of the entire amount due (other than that portion of the principal as would not then be due had no default occurred) and by curing any other default 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 fees at any time prior to five

days before the date set for said sale.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantors 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 this 25th day of January, 2005.

John R. Hanson,
Successor Trustee,
Attorney at Law,
800 W. 8th Street,
Medford, OR 97501.
#7372 April 5, 12, 19,
26, 2005.

PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS

39376

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 SE ¼ of NE ¼ of Section 2, Township 39 South, Range 9 East of Willamette Meridian, Klamath County, Oregon

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

☒ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to Dianne Tooken, a person over the age of 14 and whose horse is currently at the place of the within named at said abode shown below for: Occupants of SE ¼ of NE ¼ of Section 2, Township 39 South, Range 9 East of Willamette Meridian, Klamath County, Oregon

☐ **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 _____, 2005 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 _____

7280 Henley Road Klamath Falls, OR 97603

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.

February 2, 2005 5:04PM
DATE OF SERVICE TIME OF SERVICE

☐ or non occupancy

By: _____

Dana Inman

Subscribed and sworn to before on this 7th day of February, 2005.

Notary Public for Oregon



39377

JOHN R. HANSON, P.C.

Attorney at Law
800 West 8th Street
Medford, OR 97501-2906
Telephone: (541) 776-3405
Facsimile: (541) 734-7465

February 21, 2005

FIRST CLASS MAIL
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Dianne Tooken
7280 Henley Road
Klamath Falls, OR 97603

RE: BIGBY FORECLOSURE SALE

SUBJECT: PERFECTION OF SERVICE OF TRUSTEE'S NOTICE OF SALE

Dear Ms. Tooken:

**ENCLOSURE: TRUE COPY OF A THE TRUSTEE'S NOTICE OF SALE THAT WAS SERVED BY
SUBSTITUTE SERVICE UPON DIANE TOOKEN ON FEBRUARY 2, 2005, AT 5:04 P.M.
BY PROCESS SERVER DANA INMAN OF JEFFERSON STATE ADJUSTERS.**

XXXX For your information and files.

_____ Please review and respond.

_____ As you requested.

_____ Other. _____

JOHN R. HANSON, PC
ATTORNEY AT LAW
800 WEST 8TH STREET
MEDFORD, OR 97501

UNITED STATES POSTAGE
118
6641 04.750
3844 MEDFORD OR
PB8573672
FEB 21 05
97501

39378

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Ms. Dianne Tooken
7280 Henley Road
Klamath Falls, OR 97603

CERTIFIED MAIL



7001 1940 0005 6119 8318
7001 1940 0005 6119 8318

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL USE	
Postage	\$.60
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.75
Sent To: <i>Dianne Tooken</i>	
Street, Apt. No., or PO Box No. <i>7280 Henley Road</i>	
City, State, ZIP+4 [®] <i>Klamath Falls OR 97603</i>	
PS Form 3800, January 2001 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DIANNE TOOKEN
7280 HENLEY ROAD
KLAMATH FALLS OR
97603

2. Article Number 7001 1940 0005 6119 8318
(Transfer from)

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent
X ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from Item 17? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-0381

39379

JOHN R. HANSON, PC
ATTORNEY AT LAW
800 WEST 8TH STREET
MEDFORD, OR 97501



FIRST CLASS MAIL
Ms. Dianne Tooken
7280 Henley Road
Klamath Falls, OR 97603

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DIANNE Tooken
7280 HENLEY ROAD
KLAMATH FALLS OR
9763

2. Article Number

(Transfer from)

7001 1940 0005 6119 8318

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Ruth L Bain

☒ Agent☐ Address

B. Received by (Printed Name)

Ruth L Bain

C. Date of Delivery

2/24/01

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

39380

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-01-M-03

PS Form 3800, January 2001

See Reverse for Instructions

Sent To: DIANNE Tooken
7280 Henley Road
Klamath Falls, OR 9763

City, State, Zip: Klamath Falls, OR 9763

Street, Apt. No., or PO Box No.: 7280 Henley Road

Postage	\$.60
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.75

Postmark Here

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only: No Insurance Coverage Provided)