

NT

Vol M05 Page 41702

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

ELIZABETH ANN ADA

To Grantor

FIRST AMERICAN TITLE(NEAL G. BUCHANAN, ATTORNEY AT LAW,
Successor)

Trustee

After recording, return to (Name, Address, Zip):

NEAL G. BUCHANAN435 Oak AvenueKlamath Falls, Oregon 97601

RECORDER'S USE

State of Oregon, County of Klamath

Recorded 06/06/05 10:31 AMVol M05 Pg 41702-11

Linda Smith, County Clerk

Fee \$ 100 # of Pgs 10

By _____, Deputy

STATE OF OREGON, County of Klamath ss:I, Neal G. Buchanan

, being first duly sworn, depose, and say 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 the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in the notice of sale.

I gave notice of the sale of the real property described in the attached trustee's Notice of Sale by mailing copies 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:

NAME

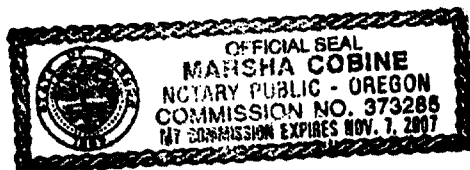
ADDRESS

SEE THE ATTACHED EXHIBIT A, attached hereto and incorporated herein by this reference herein as if fully set forth.

These 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 set forth in ORS 86.785.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Neal G. Buchanan, attorney for the trustee named in the notice. Each such copy was mailed 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 January 29, 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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

As used herein, the singular includes the plural, "trustee" includes a successor trustee, and "person" includes a corporation and any other legal or commercial entity.



NEAL G. BUCHANAN

Subscribed and sworn to before me on January 31st, 2005

Notary Public for Oregon

My commission expires 11-7-07

EXHIBIT A

<u>Name and Last Known Address</u>	<u>Nature of Right, Lien or Interest</u>
Elizabeth Ann Ada 5396 Hwy. 66 #B Klamath Falls, OR 97601	Trust Deed Grantor
Elizabeth Ann Ada 208 East Main St. Klamath Falls, OR 97601	"
Aaron Powless 4738 Sturdivant Ave. Klamath Falls, OR 97603	Fee owner
Klamath Irrigation District 6640 KID Lane Klamath Falls, OR 97603	Notice of Lien recorded 5-6-03 Vol. M03, Page 30052, records of Klamath County, Oregon
Credit Services of OR P.O. Box 1208 Roseburg, OR 97470	Judgment in Klamath County Circuit Court Case No. 0204273CV entered 2-6-03
Jeffrey I. Hasson Attorney for Credit Services of OR 12707 N.E. Halsey St. Portland, OR 97230	attorney fee Judgment in Klamath County Circuit Court Case No. 0204273CV
Klamath County Planning Dept. c/o Reginald Davis, County Counsel 305 Main Street Klamath Falls, OR 97601	Judgment in Klamath County Circuit Court Case No. 0403411CV entered 10-27-04
Carter-Jones Collection Service, Inc. c/o Kent Pederson, Registered Agent 1143 Pine Street Klamath Falls, OR 97601	Judgment in Klamath County Circuit Court Case No. 0200560CV entered 11-2-04 and pending Case No. 0404102CV

ON

41704

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Elizabeth Ann Ada

....., as grantor, to
First American Title Insurance (Neal G. Buchanan, Attorney at Law, as successor)....., as trustee,
 in favor of Donald E. Wilhite and Geraldine L. Wilhite or the survivor thereof....., as beneficiary,
 dated November 9, 2001....., recorded November 9, 2001....., in the mortgage records of
Klamath..... County, Oregon, in book/reel/volume No. M01..... at page 57730....., or
 as fee/file/instrument/microfilm/reception No. (indicate which), covering the following described real
 property situated in said county and state, to-wit:

Lot 3, Block 7, of Tract No. 1025 Winchester, according to the official plat thereof on file
 in the office of the County Clerk of Klamath County, Oregon.

Map Lot No. 3909-011CD-11700

Property ID No. 556231

Both the beneficiary and the trustee 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 de-
 fault for which the foreclosure is made is grantor's failure to pay when due the following sums: Monthly installment
 payment due the 9th day of August, 2004; such monthly installment payment consisting of interest only payments
 at the rate of 13% per annum on the unpaid balance (\$35,000.00) from July 28, 2004; together with late payment
 fees consisting of 5% of any installment not received within 15 days of the date due; and failure of the grantor
 to pay certain liens, charges and judgments contrary to paragraph 5 of the Trust Deed; and the grantor's
 conveyance of the fee interest in the property contrary to the restraint on alienation contained in the Trust
 Deed; and all costs and expenses including evidence of title and the beneficiaries' or trustee's attorney fees.

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 principal balance in the sum of
 \$35,000.00 together with interest thereon at the rate of 13% per annum from July 28, 2004 until paid; together
 with a late fee equal to 5% of any installment not received within 15 days of the due date; together with payment
 of all liens, assessments and other charges that have been levied or assessed upon or against the property;
 together with all costs and expenses, including evidence of title and the beneficiaries' or trustee's
 attorney fees.

WHEREFORE, notice hereby is given that the undersigned trustee will on June 15, 2005....., ~~xxx~~
 at the hour of 1:00..... o'clock, P.M., in accord with the standard of time established by ORS 187.110, at
the Law Offices of Neal G. Buchanan, 435 Oak Avenue.....

in the City of Klamath Falls....., County of Klamath....., 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) 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 sums or tendering the per-
 formance 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 deed,
 and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED JANUARY 28, 2005....., ~~xx~~

NEAL G. BUCHANAN

Successor

Trustee

State of Oregon, County of Klamath.....ss:

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that
 the foregoing is a complete and exact copy of the original trustee's notice of sale.

Attorney for said Trustee

SERVE:

If the foregoing is a copy to be served pursuant to
 ORS 86.740 or ORS 86.750(1), fill in opposite
 the name and address of party to be served.

STATE OF Oregon, County of Klamath) ss.

41705



I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state where-
in the service hereinafter set forth was made, and that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, nor a succes-
sor to either, nor an officer, director, employee of, or attorney for, the beneficiary or trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities named below by delivering true copies of the
Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, as follows:

Jill Peterson
Personal Service Upon Individual(s)

Upon Kevin Pelletier, by delivering such true copy to him/her, personally and in person,
at 4616 Stradivari, on 2-2-05, at 3:00 o'clock P.M.
Upon _____, by delivering such true copy to him/her, personally and in person,
at _____, on _____, at _____ o'clock _____M.

Substituted Service Upon Individual(s)

Upon _____, by delivering such true copy at his/her dwelling house
or usual place of abode, to-wit: _____,
to _____, who is a person 14 years
of age or older and a member of the household of the person served on _____, at _____ o'clock _____M.
Upon _____, by delivering such true copy at his/her dwelling house
or usual place of abode, to-wit: _____,
to _____, who is a person 14 years
of age or older and a member of the household of the person served on _____, at _____ o'clock _____M.

Office Service Upon Individual(s)

Upon _____, at the office which he/she maintains for the conduct of
business at _____,
by leaving such true copy with _____, the person who
is apparently in charge, on _____, during normal working hours, at _____ o'clock, _____M.

Service on Corporations, Limited Partnerships or Unincorporated Associations Subject to Suit Under a Common Name

Upon _____, by
(NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.)

(a) delivering such true copy, personally and in person, to _____ who is a/the
_____ (Specify registered agent, officer (by title), director, general partner, managing agent, etc.) thereof; OR

(b) leaving such true copy with _____, the person who is apparently in charge of the
office of _____, who is a/the _____

(Specify registered agent, officer (by title), director, general partner, managing agent, etc.) thereof;

at _____, on _____, at _____ o'clock _____M.

EACH OF THE PERSONS, FIRMS AND CORPORATIONS SERVED BY ME IS THE IDENTICAL PERSON, FIRM OR CORPORATION NAMED IN
THE TRUSTEE'S INSTRUCTIONS TO ME IN CONNECTION HERewith.

Terry L. Griffin
Terry L. Griffin

SIGNED AND SWORN TO before me on February 2, 2005



Marsha Cobine
Notary Public for Oregon

My commission expires 11-7-05

PUBLISHER'S NOTE: ORS 86.750 (1) requires the Notice of Sale to be served upon the occupant in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3). The Proof of Service above contains most, but not all, of the permissible methods of service. For example, this form does not include proof of service upon a minor, an incapacitated person, or tenant(s) of a mail agent. See ORCP 7 D(2) and 7 D(3) for permissible service methods with respect to particular parties. Also, an attorney who serves the Notice of Sale by mail, in accordance with law, should delete "or attorney for," from the first paragraph above before this document is recorded.

EE

41706

**INSTRUCTIONS FOR SERVICE OF TRUSTEE'S
NOTICE OF SALE UPON OCCUPANT PURSUANT
TO ORS 86.750 (1) AND PROOF OF SERVICE
(120-Day Notice)**

RE: Trust Deed from

ELIZABETH ANN ADA

To

Grantor

FIRST AMERICAN TITLE

(NEAL G. BUCHANAN, ATTORNEY AT LAW,

SUCCESSOR)

Trustee

After recording, return to (Name, Address, Zip):

NEAL G. BUCHANAN

435 Oak Ave.

Klamath Falls, Oregon 97601

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:

STATE OF OREGON,

County of Klamath

} ss.

I, the undersigned, being first duly sworn, depose and say:

I am the Trustee or attorney for the Trustee in the trust deed described in the attached Trustee's Notice of Sale.

You are hereby directed to serve the Trustee's Notice of Sale in the manner in which a summons is served pursuant to ORCP
7 D(2) and 7 D(3) upon the occupant of the property described in the Notice of Sale.

The name of the person to be served, if known, and the property address of the property described in the trust deed are as follows:

Name of person to be served
(If unknown, so state)

Property Address

UNKNOWN OCCUPANT OR PARTIES IN POSSESSION

4616 Sturdivant Ave.

Klamath Falls, Oregon 97603

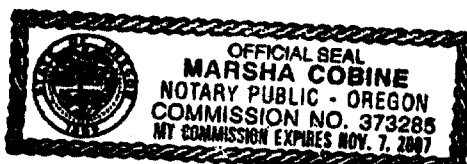
If the occupant is indicated as "unknown," or if you find the property at this address to be occupied by someone other than the person named, then you are to serve the person or persons whom you find to be occupying the property.

Service should be made by February 15, 2005, which is 120 days before the date fixed for the sale in the attached notice. If you have not made service by that date, and the property appears occupied, persist in attempting to make service until it has been accomplished.

As used herein, the singular includes the plural, "trustee" includes any successor trustee, and "person" includes a corporation or any other legal or commercial entity.

Neal G. Buchanan
(ATTORNEY FOR) TRUSTEE

SIGNED AND SWORN TO before me on January 28, 2005



Marsha Cobine
Notary Public for Oregon
My commission expires 11-7-07

NT

41707



**SUPPLEMENTAL
AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE**

RE: Trust Deed from

Elizabeth Ann Ada

To

Grantor

First American Title

(Neal G. Buchanan, Attorney
at Law)

Successor

Trustee

After recording, return to (Name, Address, Zip):

Neal G. Buchanan

435 Oak Ave.

Klamath Falls, OR 97601

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON,

County of _____ } ss.

I certify that the within instrument
was received for record on the _____ day
of _____, at
_____ o'clock _____ M., and recorded in
book/reel/volume No. _____ on page
_____ and/or as fee/file/instru-
ment/microfilm/reception No. _____,
Records of said County.

Witness my hand and seal of County
affixed.

NAME

TITLE

By _____, Deputy

STATE OF OREGON, County of _____ Klamath _____) ss:

I, _____ Neal G. Buchanan _____, being first duly sworn, depose, and say 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 the beneficiary's successor in interest named in the attached original notice of sale given
under the terms of that certain deed described in the notice of sale.

I gave notice of the sale of the real property described in the attached trustee's Notice of Sale by mailing copies 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:

NAME

ADDRESS

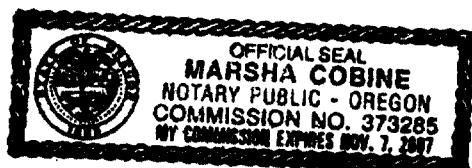
Elizabeth Ann Ada

2205 Hilltop Dr. #144
Redding, CA 96002

These 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 benefi-
ciary has actual notice of the lien or interest; and (d) any person requesting notice as set forth in ORS 86.785.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by _____
_____ Neal G. Buchanan _____, attorney for the trustee named in the notice. Each such
copy was mailed 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 _____ February 10, 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, with postage thereon in an amount sufficient to accomplish the same.
Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

As used herein, the singular includes the plural, "trustee" includes a successor trustee, and "person" includes a corporation
and any other legal or commercial entity.



NEAL G. BUCHANAN

Subscribed and sworn to before me on February 10, 2005

Notary Public for Oregon

My commission expires 11-7-07

NT

**SUPPLEMENTAL
AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE**

41708

RE: Trust Deed from

ELIZABETH ANN ADA

To

Grantor

FIRST AMERICAN TITLE

(Neal G. Buchanan, Attorney at Law,
Successor)

Trustee

After recording, return to (Name, Address, Zip):

STATE OF OREGON, County of Klamath) ss:

I, Neal G. Buchanan

, being first duly sworn, depose, and say 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 the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in the notice of sale.

I gave notice of the sale of the real property described in the attached trustee's Notice of Sale by mailing copies 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:

NAME

ADDRESS

See the attached Exhibit A, attached hereto and incorporated herein as if fully set forth.

These 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 set forth in ORS 86.785.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Neal G. Buchanan, attorney for the trustee named in the notice. Each such copy was mailed 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 May 16, 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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

As used herein, the singular includes the plural, "trustee" includes a successor trustee, and "person" includes a corporation and any other legal or commercial entity.



NEAL G. BUCHANAN

Subscribed and sworn to before me on May 17, 2005

Notary Public for Oregon

My commission expires 11-7-07

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

EXHIBIT A TO SUPPLEMENTAL AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE

<u>Name</u>	<u>Address</u>
ABC Supply Company	c/o Stewart Sokol & Gray LLC Attorneys at Law 2300 SW First Ave., Suite 200 Portland, Oregon 97201-5047
ABC Supply Company	10801 A Street S. Tacoma, WA 98444
Oregon Contractors Workers' Compensation Trust, Inc.	c/o James M. Kennedy Kennedy & Kennedy LLP 601 SW Second Ave., Ste. 2050 Portland, Oregon 97204
Oregon Contractors Workers' Compensation Trust, Inc.	c/o Jeffery H. Capener Wallace, Klor & Mann, P.C. 5800 Meadows Road, Suite 220 Lake Oswego, OR 97035

Affidavit of Publication

41710

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 # 7396

Notice of Sale/Elizabeth Ann Ada

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 12, 19, 26, May 3, 2005

Total Cost: \$202.13

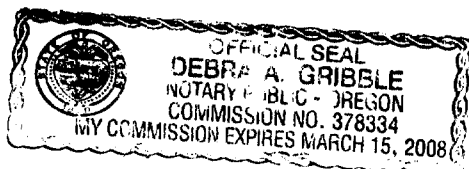
Jeanine P. Day

Subscribed and sworn

before me on: May 3, 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 made by Elizabeth Ann Ada, as grantor, to First American Title Insurance (Neal G. Buchanan, Attorney at Law, as successor), as trustee, in favor of Donald E. Wilhite and Geraldine L. Wilhite or the survivor thereof, as beneficiary, dated November 9, 2001, recorded November 9, 2001, in the mortgage records of Klamath County, Oregon, in volume No. M01 at page 57730, or as fee/file/instrument/microfilm/reception No. covering the following described real property situated in said county and state, to-wit:

Lot 3, Block 7, of Tract No. 1025 Winchester, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. Map Lot No. 3909-011CD-11700; Property ID No. 556231.

Both the beneficiary and the trustee 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: Monthly installment payment due the 9th day of August, 2004; such monthly installment payment consisting of interest only payments at the rate of 13% per annum on the unpaid balance (\$35,000.00) from Ju-

ly 28, 2004; together with late payment fees consisting of 5% of any installment not received within 15 days of the date due; and failure of the grantor to pay certain liens, charges and judgments contrary to paragraph 5 of the Trust Deed; and the grantor's conveyance of the fee interest in the property contrary to the restraint on alienation contained in the Trust Deed; and all costs and expenses including evidence of title and the beneficiaries' or trustee's attorney fees.

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 principal balance in the sum of \$135,000.00 together with interest thereon at the rate of 13% per annum from July 28, 2004 until paid; together with a late fee equal to 5% of any installment not received within 15 days of the due date; together with payment of all liens, assessments and other charges that have been levied or assessed upon or against the property; together with all costs and expenses, including evidence of title and the beneficiaries' or trustee's attorney fees.

WHEREFORE, notice hereby is given that the undersigned trustee will on June 15, 2005, at the hour of 1:00 P.M., in accordance with the standard of time established by ORS 182.110, at the Law Offices of Neal G. Buchanan, 435 Oak

Avenue, in the City of Klamath Falls, County of Klamath, 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) 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 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 deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated January 28, 2005. Neal G. Buchanan, Successor Trustee.
#7396 April 12, 19, 26, May 3, 2005.