

M05-62848

08/26/2005 09:29:51 AM

Of Pages 3 Fee: \$31.00

**AFFIDAVIT OF MAILING OF TRUSTEE'S
NOTICE OF DEFAULT AND ELECTION TO SELL**

RE: Trust Deed

FROM: John H. Sparkes, Trustee of the
John H. Sparkes Living Trust,
Grantor

TO: Carl D. and Norma Stanfield,
Beneficiary

AFTER RECORDING RETURN TO:

o/c MacArthur & Bennett, P.C.
635 Main Street
Klamath Falls, OR 97601

AFFIDAVIT OF MAILING OF TRUSTEE'S NOTICE OF DEFAULT AND ELECTION TO SELL

STATE OF OREGON, County of Klamath) ss

I, Jacqueline Bennett, being first duly sworn, depose, and 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 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:

Kathryn Dimick and Benjamin Hernandez, 320 Chocktoot, Chiloquin, OR 97624

Kathryn Dimick, 43643 Hwy 62, Chiloquin, OR 97624

Benjamin V. Hernandez, P.O. Box 1049, Chiloquin, OR 97624

John H. Sparkes, Trustee of the John H. Sparkes Living Trust, P.O. Box 439, Chiloquin, OR 97624

Eileen Sparkes, P.O. Box 557, Chiloquin, OR 97624

Sysco Food Services of Portland, 26250 SW Parkway Center Drive, Wilsonville, OR 97070

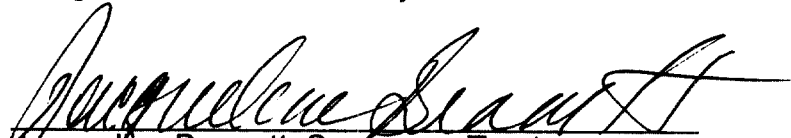
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or 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 Jacqueline Bennett, attorney for the trustee named in said notice; each such copy

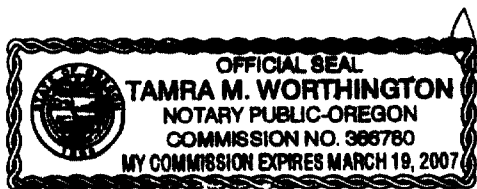
31✓

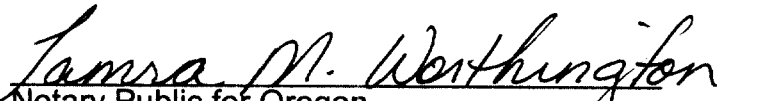
was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on April 18, 2005. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to 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 was mailed after the notice of default and election to sell described in said notice of sale was recorded. Oregon Employment Department released Tax Warrant No. 86403 as against the subject real property August 25, 2005.

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


Jacqueline Bennett, Successor Trustee

Subscribed and sworn to before me this 26th day of August, 2005.




Notary Public for Oregon
My commission expires March 19, 07

Affidavit of Publication

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 # 7654

Notice of Sale/John H. Sparkes

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:
July 14, 21, 28, August 4, 2005

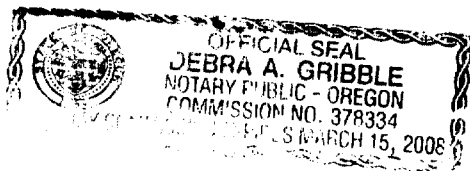
Total Cost: \$779.10

Jeanine P Day
Subscribed and sworn

before me on: August 4, 2005

Debra A Gribble
Notary Public of Oregon

My commission expires March 15, 2008



NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by JOHN H. SPARKES, TRUSTEE OF THE JOHN H. SPARKES LIVING TRUST as Grantor, assumed by Kathryn Dimick and Benjamin V. Hernandez by consent agreement dated June 5, 2004, to ASPEN TITLE AND ESCROW, INC as Trustee, in favor of Carl D. Stanfield and Norma Stanfield, as Beneficiaries, as estate in fee simple dated August 6, 2002, and recorded August 7, 2002 in the mortgage records of Klamath County, Oregon, in book/reel /volume No. M02 at page 44424, covering the following described real property situated in said county and state to-wit: Lots 6, 7, 8 and 9 of WEST CHILOQUIN and the alley adjoining said Lots 6 and 7, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon, and a portion of Lot 1 of Block 6 of WEST CHILOQUIN according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon LESS the following: Beginning at the Southwesterly corner of said Lot 1; thence Easterly along the line between lots 1 and 2 to the Westerly line of Wasco Avenue; thence Northerly along said Westerly line 69 feet; thence Westerly parallel to the line between Lots 1 and 2 to the Easterly line of an alley as shown on the plat; thence Southerly along said line to the point of beginning. Tax Account No.: 3407 034CA 08100-000 and 3407 034CA 08200-000.

tions secured by said trust deed and a Notice of Default has been recorded pursuant to Section 86.753(3) of Oregon Revised Statutes. The Default for which the foreclosure is made is grantor's failure to pay when due the following sums: Payments in the amount of \$1,191.96 per month from February 2005 through the present. Current insurance and copy of policy. Property taxes in the amount of \$1,778.24.

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: \$111,827.99 as of March 14, 2005, plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 10, 2005 at the hour of 10:00 a.m. Standard Time, as established by Section 187.110, Oregon Revised Statutes, at 635 Main Street, 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 said described real property which the grantors had or had power to convey at the time of the execution by him of said trust deed, to satisfy the foregoing obligations thereby secured and the costs or their 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 Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 Section 86.753 of Oregon Revised Statutes.

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 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: July 1, 2005.
Jacqueline Bennett,
Successor Trustee.
#7654 July 14, 21, 28,
August 4, 2005.

Both beneficiary and trustee have elected to sell the said real property to satisfy the obliga-