

**M05-66021**

Klamath County, Oregon

10/07/2005 10:03:34 AM

Pages 5 Fee: \$41.00

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

STATE OF OREGON, County of Josephine, ss:  
I, Sharon Deardorff

, 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:

NAME	ADDRESS
Klamath County Courthouse	305 Main Street, Klamath Falls, OR 97601
County Council	
State of Oregon	Justice Building, Salem, OR 97310
Hardy Myers, Attorney General	
State of Oregon—Support Enforcement Div.	1495 Edgewater, NW, Suite 120, Salem, OR 97304
Bob David—Administrator	
Department of Human Resources	39 North Central, Medford, OR 97501-2781
Support Enforcement Division	

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 Patrick J. Kelly, attorney for the trustee named in said notice; 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 Grants Pass, Oregon, on June 9, 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.

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

*Sharon Deardorff*  
SHARON DEARDORFF

Subscribed and sworn to before me on Oct. 4, 2005

*Kathryn L Tobin*  
Notary Public for Oregon. My commission expires Dec. 15, 2006



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

RE: Trust Deed from

Weeks

Grantor

TO  
Aspen Title and Escrow

Trustee

AFTER RECORDING RETURN TO

*dc* Justin Throne, Attorney  
280 Main Street  
Klamath Falls, OR 97601

DO NOT USE THIS SPACE RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED

STATE OF OREGON,  
County of Josephine

I certify that the within instrument was received for record on the 10th day of October, 2005, at 10:00 o'clock AM, and recorded in book/reel/volume No. 100 on page 1 or as fee file instrument/microfilm/reception No. 100.  
Record of Mortgages of said County.

Witness my hand and seal of County affixed.

By Justin Throne Deputy

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Josephine, ss:

I, Sharon Deardorff

, 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:

NAME	ADDRESS
Carmel Noneo	1835 Crest, Klamath Falls, OR 97603
William Truman Noneo	1835 Crest, Klamath Falls, OR 97603
Waylon Truett Noneo	1835 Crest, Klamath Falls, OR 97603
The Klamath Tribes	PO Box 436, Chiloquin, OR 97624
Klamath County Courthouse	305 Main Street, Klamath Falls, OR 97601
District Attorney's office	
Citibank (South Dakota)	10803 Harry Byrd Hwy, Berryville, VA 22611
Registered Agent	
Citibank (South Dakota)	7920 NW 110th St., Kansas City, MO 64153
David H. DeBlasio	PO Box 12669, Portland, OR 97212

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 Patrick J. Kelly, attorney for the trustee named in said notice; 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 Grants Pass, Oregon, on May 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 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.

SHARON DEARDORFF

Subscribed and sworn to before me on Oct 4, 2005



Notary Public for Oregon. My commission expires Dec. 15, 2008

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Meeks

Grantor

Aspen Title and Escrow

Trustee

AFTER RECORDING RETURN TO

Justin Throne, Attorney  
280 Main Street  
Klamath Falls, OR 97601

STATE OF OREGON,

County of

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 or as fee file instrument/microfilm/reception No. Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By Deputy

NN

TRUSTEE'S NOTICE OF SALE  
Carmel Weeks

Reference is made to that certain trust deed made by \_\_\_\_\_

\_\_\_\_\_, as grantor,  
 \_\_\_\_\_, as trustee,  
 to Aspen Title and Escrow Inc., as beneficiary,  
 in favor of Owen W. MacPhee and Neva K. MacPhee, husband and wife,  
 dated December 4, 2000, recorded on December 11, 2000, in the Records of  
Klamath County, Oregon, in ~~book~~/volume No. M00 at page 44314, or as  
~~filed in instrument/microfilm/reception No. xxxxxxxxxx~~ (indicate which), covering the following described real property  
 situated in that county and state, to-wit:

SEE EXHIBIT "A"

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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 in grantor's failure to pay when due the following sums:

The December 11, 2004 monthly installment of \$585.79 and each month thereafter, plus buyer's fees of \$45.00, plus late charges of \$175.74, plus fire insurance paid by lienholder in the amount of \$212.21 with interest thereon at 13% per annum from April 14, 2005 until paid.

By reason of the default just described, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:  
 The unpaid principal balance of \$47,518.50 with interest thereon at 13% interest per annum from November 17, 2004 until paid, plus late charges of \$175.74, plus fire insurance paid by lienholder of \$212.21 with interest thereon at 13% per annum from April 14, 2005 until paid.

WHEREFORE, notice is hereby given that the undersigned trustee will on September 8, 2005, at the hour of 10:30 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at Law office of Justin Throne, 280 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 the real property described above which the grantor had or had power to convey at the time of the execution by grantor of the 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 foregoing obligations thereby secured and the costs and expenses of the 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 those 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 and attorney fees not exceeding the amounts provided by 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED May 3, 2005PATRICK J. KELLY

Trustee

State of Oregon, County of Josephine) 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.

PATRICK J. KELLY

Attorney for Trustee

SERVE:\*

## EXHIBIT "A"

A parcel of land lying in Lots 44 and 45, Block G, HOMECREST, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Northwest corner of Lot 44 of said Block G; thence East along the North line of said Lot 44, 123.66 feet; thence South 26 degrees 00' East 97.0 feet; thence South 79 degrees 00' West 138.0 feet; thence North 45 degrees 00' West along the Northeasterly line of Crest Street (Faircrest Drive on the official plat of Homecrest) 55.1 feet; thence North along the West line of said Lot 44, to the point of beginning.

CODE 41 MAP 3909-3AB TL 4600

**NOTICE REQUIRED BY THE FAIR DEBT COLLECTION PRACTICES  
ACT  
15 USC SECTION 1692**

We are attempting to collect a debt and any information we obtain will be used for that purpose. The debt described in the Notice of Sale is assumed to be valid unless debtor disputes within 30 days and that, if disputed, debt collector will obtain and furnish to debtor the verification. If written request is made within 30 days by debtor, name of original lender will be given if different than the current creditor.

**WRITTEN REQUESTS SHOULD BE ADDRESSED TO: PATRICK J.  
KELLY, ATTORNEY, 717 NW 5<sup>TH</sup> STREET, GRANTS PASS, OREGON  
97526.**