

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed from
Aaron Nevel and Laura Nevel, Grantor

TO

Robert J. Digiacomio and Susan L. Digiacomio, Beneficiary

M06-00722

Klamath County, Oregon

01/13/2006 08:37:37 AM

Pages 4 Fee: \$36.00

After recording return to:

2/p Scott D. MacArthur, P.C., Successor Trustee
635 Main Street
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Scott D. MacArthur, 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:

Aaron Nevel, 727 Lincoln Street., Klamath Falls, OR 97601

Laura Nevel, 727 Lincoln Street., Klamath Falls, OR 97601

Aaron Nevel, P.O. Box 987., Klamath Falls, OR 97601

Laura Nevel, P.O. Box 987., Klamath Falls, OR 97601

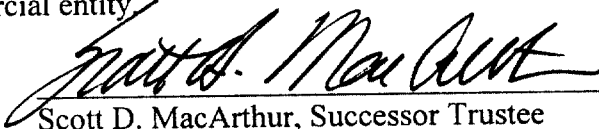
Oregon Employment Department, 875 Union Street, NE, Room 107, Salem, OR 97311-0030

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.

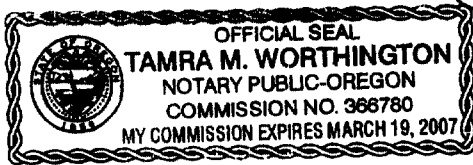
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on September 8, 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

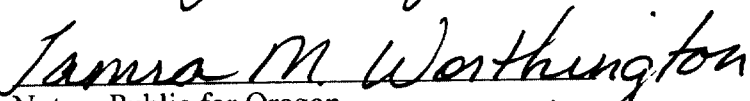
with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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


Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 12th day of January, 2006.




Notary Public for Oregon
My commission expires March 19, 07

AFFIDAVIT OF POSTING NOTICE OF SALE IN LIEU OF SERVICE

STATE OF OREGON, County of Klamath) ss.

I, Cale Arritola, being first duly sworn, depose 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 18 years and not the beneficiary or his successor in interest name in the notice of sale given under the terms of that certain trust deed described in said notice.

I posted the Notice of Sale of the real property in the Notice of Sale posting said notice on the premises of:

NAME:

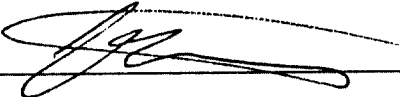
Aaron Nevel
Laura Nevel

ADDRESS:

727 Lincoln Street
Klamath Falls, Oregon 97601

Each of the notices so posted was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; and was posted by me on August 29th, 2005 11:47AM Each of said notices was posted after the Notice of Default and Election to Sell by the trustee was recorded and at least 90 days before the day fixed in said notice by the trustee for the trustee's sale.

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



Subscribed and sworn to before me this 29 day of August, 2005.

Kathleen L. Eck

Notary Public for Oregon

My Commission Expires: 12-12-07

(S E A L)

After Recording return to:
MacArthur & Bennett, P.C.
635 Main Street
Klamath Falls, OR 97601



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 # 7965

Notice of Sale/Aaron & Laura Nevel

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 1, 8, 15, 22, 2005

Total Cost: \$749.70

Jeanine P. Day
Subscribed and sworn
before me on: December 22, 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 AARON NEVEL and LAURA NEVEL, as grantor, to AMERITITLE, INC. as trustee, in favor of ROBERT J. DIGIACOMO and SUSAN L. DIGIACOMO, as beneficiary, dated October 15, 2003, recorded October 16, 2003, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M03 at page 76996, covering the following described real property situated in said county and state, to-wit:

A portion of Lot 2, Block 64, NICHOLS ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the most Easterly corner of said Lot 2, and running Northwesterly parallel with 8th Street, 120 feet; thence Southwesterly at right angles to 8th Street 48.74 feet; thence Southeasterly parallel with 8th Street 120 feet; thence Northeasterly at right angles with 8th Street 48.75 feet to the place of beginning.

Both the beneficiary and 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 Section 86.753(3) of Oregon Revised Statutes. The Default for which the foreclo-

sure is made is grantor's failure to pay when due the following sums:

Payments in the amount of \$425.00 per month for December, 2004 and since July 2005.

Failure to keep the property free of liens as evidenced by Lien in favor of the State of Oregon, Employment' Department filed March 9, 2005, in the amount of \$196.13 plus interest.

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: \$37,416.72 as of June, 20, 2005, plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 6, 2006 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: November 21, 2005

Scott D. MacArthur
Successor Trustee
#7965 December 1, 8,
15, 22, 2005

