

2007-018617

Klamath County, Oregon



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10/30/2007 01:32:44 PM

Fee: \$36.00

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

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed from  
Manuel Baza-Arroyo, Grantor

TO

Walter T. Washington & Lucille Washington, Beneficiary

After recording return to:  
Scott D. MacArthur, P.C.  
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:

Manuel Baza-Arroyo, 516 N. "L" Street, #13, Tacoma, WA 98403

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 June 20, 2007. 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

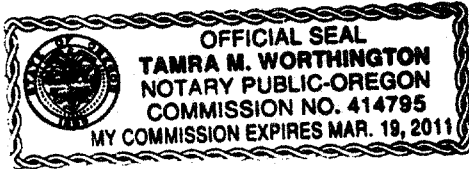
Returned @ Counter

corporation and any other legal or commercial entity.

Scott D. MacArthur

Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 30<sup>th</sup> day of October, 2007.



Tamra M. Worthington  
Notary Public for Oregon  
My commission expires March 19, 2011

CERTIFICATE OF NON-OCCUPANCY STATE OF OREGON, County of Klamath)ss.

Manuel Baza-Arroyo, Grantor

Walter T. Washington & Lucille Washington, Beneficiary

After Recording return to:  
Scott D. MacArthur, Successor Trustee  
635 Main Street  
Klamath Falls, OR 97601

**AFFIDAVIT OF NON-OCCUPANCY**

STATE OF OREGON, County of Klamath) ss.

I, SCOTT D. MacARTHUR, being first duly sworn, depose and certify that:

I am the Successor Trustee under the Trust Deed delivered by Manuel Baza-Arroyo as grantor to Amerititle, Inc., as Trustee for Walter T. Washington & Lucille Washington, dated January 11, 2006 and recorded January 19, 2006 at Volume M05, page 01116 of the Mortgage Records of Klamath County, Oregon covering the following described property situated in Klamath County, Oregon

Lot 4, Block 56, KLAMATH FALLS FOREST ESTATES, HIGHWAY 66 UNIT, PLAT NO. 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

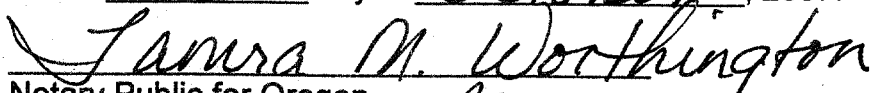
Tax Account No. 3811-015DO-03800-000 Key No. 469282

I hereby certify that the above described real property was not occupied at the time the Notice of Default and Election to Sell was recorded on June 19, 2007.

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

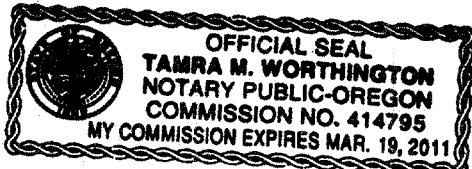
  
\_\_\_\_\_  
Scott D. MacArthur

Subscribed and sworn to before me this 30<sup>th</sup> day of October, 2007.

  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: March 19, 2011

(SEAL)



# 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 # 9566

Notice of Sale/Manuel Baza Arroyo

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:

September 16, 23, 30, October 7, 2007

Total Cost: \$663.59

Subscribed and sworn by Jeanine P Day  
before me on: October 7, 2007

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 MANUEL BAZA ARROYO, as grantor, to AMERITITLE, INC., as trustee, in favor of WALTER T. WASHINGTON and LUCILLE WASHINGTON, as beneficiary, dated January 11, 2006, recorded January 19, 2006, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M06 at page 01116, covering the following described real property situated in said county and state, to-wit:

Lot 4, Block 56, KLAMATH FALLS FOREST ESTATES, HIGHWAY 66 UNIT, PLAT NO. 2, according to the official plat thereof on file in the Office of the County Clerk, Klamath County, Oregon.

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 Section 86.735(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 \$407.38 per month from October 2006 through the present.

Taxes for the fiscal year 2006-2007 in the sum of \$59.07 plus interest thereon.

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: \$12,222.32 as of October 27, 2006 plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 29, 2007 at the hour of 11:00 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 of 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: September 6, 2007.  
Scott D. MacArthur,  
Successor Trustee.  
#9566 September 16, 23, 30, October 7, 2007.

