

77292

K-38993

AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE

STATE OF OREGON)

COUNTY OF MULTNOMAH)

SS

Vol. M81 Page 13130I, AMY THOMPSON
depose, say and certify that:

being first duly sworn,
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 his successor in interest named in the attached original amended trustee's notice of sale ("notice") given under the terms of that certain trust deed made, executed and delivered by COMAC PROPERTIES, INC., an Oregon corporation, as Grantor, to TICOR TITLE INSURANCE COMPANY, as Trustee, to secure certain obligations in favor of STATE FEDERAL SAVINGS AND LOAN ASSOCIATION of Roseburg, Oregon, successor in interest to State Savings and Loan Association, as Beneficiary, dated April 11, 1983, and recorded April 21, 1983, in Volume M83, Page 6135, of the Mortgage Records of Klamath County, Oregon.

I gave notice of the sale of the real property described in the attached notice by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following-named persons at his or her respective last known address:

Ore-Cal General Wholesale, Inc.
c/o Mr. Donald R. Waggoner
Registered Agent
2270 Cambridge Drive
Fairfield, California 94533-2016

Mr. Donald R. Waggoner
Co-Personal Representative
Estate of Harry R. Waggoner
2270 Cambridge Drive
Fairfield, California 94533-2016

Early American
c/o Post Office Box 925
Klamath Falls, Oregon 97603

Enclosed in each of the envelopes addressed as above was the original letter of which a copy is attached hereto.

The notices so mailed were certified to be true copies of the original notice by William R. Knuths, attorney for said Trustee named in said notice; such copies were contained in sealed envelopes with postage thereon fully prepaid, and were deposited by me in the United States post office at Portland, Oregon, on July 14, 1987. Said notices were mailed after the notice of default and election to sell described in said notice was recorded and at least 120 days before the day the Trustee conducts the sale.



and sworn to before me this 14th day of July, 1987.

Amy Thompson

Kamara H. Hummelde
Notary Public for Oregon
My commission expires: 12-19-90

108010-1070/2661r

Loan 155005844

JUL 23 AM 11 17

AMENDED
TRUSTEE'S NOTICE OF SALE

13131

Reference is made to that certain trust deed made, executed and delivered by COMAC PROPERTIES, INC., an Oregon corporation, as Grantor, to TICOR TITLE INSURANCE COMPANY, as Trustee, to secure certain obligations in favor of STATE FEDERAL SAVINGS AND LOAN ASSOCIATION of Roseburg, Oregon, successor in interest to State Savings and Loan Association, as Beneficiary, dated April 11, 1983, and recorded April 21, 1983, in Volume M83, Page 6135, of the Mortgage Records of Klamath County, Oregon, covering the following described real property:

PARCEL 1

A tract of land being Lot 1 and a portion of Lot 2 in Block 3 of Tract 1080, WASHBURN PARK, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Lot 1; thence North 00° 04' 50" East 195.00 feet to the Northwest corner of said Lot 1; thence continuing North 00° 04' 50" East 57.80 feet; thence South 89° 25' 10" East 300.00 feet; thence South 00° 04' 50" West 57.80 feet to the Northeast corner of said Lot 1; thence continuing South 00° 04' 50" West 195.00 feet to the Southeast corner of said Lot 1; thence North 89° 25' 10" West 300.00 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its Department of Transportation, Highway Division, recorded August 16, 1976 in Deed Volume M-76 at page 1264, Microfilm Records of Klamath County, Oregon.

PARCEL 2

A tract of land situated in Lot 2, Block 3, Tract 1080, WASHBURN PARK, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the Easterly right of way line of Washburn Way, said point being North 00° 04' 50" East 57.80 feet from the Northwest corner of Lot 1, Block 3; thence South 89° 25' 10" East 300.00 feet to the true point of beginning; thence South 89° 25' 10" East a distance of 100.08 feet to a point; thence South 89° 56' 30" East a distance of 51.67 feet to the Northwest corner of parcel conveyed to Ronald T. Williams, et ux., by Deed Volume M-77 at page 17511; thence South 0° 04' 50" West along the West line of last mentioned parcel a distance of 253.26 feet to the North line of Crosby Avenue; thence North 89° 25' 10" West along said North line a distance of 151.76 feet to the Southeast corner of Lot 1, Block 3; thence North 0° 04' 50" East a distance of 252.8 feet, more or less, to the point of beginning.

PARCEL 3

A tract of land being a portion of Lot 2, Block 3, of Tract 1080, WASHBURN PARK, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 2; thence North 00° 04' 50" West (East) 57.80 feet to the true point of beginning; thence North 00° 04' 50" West (East) 96.35 feet; thence South 89° 56' 30" East 400.07 feet to the East line of said Lot 2; thence South 00° 03' 30" West 100.00 feet; thence North 89° 25' 10" West 400.08 feet to the true point of beginning.

The real property is commonly known as the Washburn Way Plaza Shopping Center, and is located at the intersection of Washburn Way and Crosby Avenue, in Klamath Falls, Oregon.

The FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION has been appointed receiver for State Federal Savings and Loan Association of Corvallis, Oregon, pursuant to 12 USC §§ 1464 and 1729 and has thereby succeeded to all rights and entitlements of said association.

RICHARD A. CANADAY, an attorney who is an active member of the Oregon State Bar, was appointed successor Trustee by a certain instrument dated September 17, 1986, and recorded October 8, 1986, in Volume M-86, Page 18424, of the Records of Klamath County, Oregon, and is now vested with all the powers of said former Trustee.

Beneficiary has elected to sell said real property to satisfy the obligations secured by said trust deed and to foreclose said deed by advertisement and sale; the default for which the foreclosure is made is the failure of Grantor to pay when due the following sums:

\$14,810.90	due August	26, 1984	\$14,810.90	due June	26, 1985
\$14,810.90	due September	26, 1984	\$14,810.90	due July	26, 1985
\$14,810.90	due October	26, 1984	\$14,810.90	due August	26, 1985
\$14,810.90	due November	26, 1984	\$14,810.90	due September	26, 1985
\$14,810.90	due December	26, 1984	\$14,810.90	due October	26, 1985
\$14,810.90	due January	26, 1985	\$14,810.90	due November	26, 1985
\$14,810.90	due February	26, 1985	\$14,810.90	due December	26, 1985
\$14,810.90	due March	26, 1985	\$14,810.90	due January	26, 1986
\$14,810.90	due April	26, 1985	\$14,810.90	due February	26, 1986
\$14,810.90	due May	26, 1985	and the remaining balance due March 26, 1986.		

By reason of said default, Beneficiary has declared the entire unpaid balance of all obligations secured by said trust deed, together with interest thereon, immediately due, owing and payable, said sums being the following, to wit:

\$1,246,293.15, together with interest thereon at the rate of 14 percent per annum from July 26, 1984, until paid, plus late charges and disbursements made by Beneficiary to protect its interest in the above-described property, together with interest thereon at above-described rate from the date of each disbursement.

A notice of default and election to sell and to foreclose was duly recorded on November 10, 1986, in Volume M86, Page 20340, of said Records.

The original sale was scheduled to be held on April 2, 1987, at 11 a.m., at the main entrance to the Klamath County Courthouse, 316 Main Street, in Klamath Falls, Oregon. The original sale proceedings were stayed by the bankruptcy filed by Ore/Cal General Wholesale, Inc., as Case No. 686-07932-R7 of the U.S. Bankruptcy Court, for the District of Oregon. Following motion filed by Beneficiary, Judge Albert E. Radcliffe executed the judgment granting relief from stay to the Federal Savings and Loan Insurance Corporation, and the stay terminated on June 8, 1987.

NOTICE HEREBY IS GIVEN that the undersigned Trustee or Trustee's attorneys will, on Thursday the 20th day of August, 1987, at the hour of 11 a.m., Standard Time as established by ORS 187.110, at the main entrance to the **Klamath County Courthouse**, 316 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 real property which Grantor had or had power to convey at the time of the execution by Grantor of said trust deed, together with any interest which Grantor or the successors in interest to Grantor acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including the cost of a title search, a reasonable charge by Trustee, and reasonable attorney fees for Trustee's attorneys.

NOTICE IS FURTHER GIVEN that Grantor and certain other persons named in Chapter 86 of Oregon Revised Statutes have the right at any time prior to five days before Trustee conducts the sale to require that the foreclosure proceeding be dismissed and the trust deed reinstated by the payment of the entire amount due (other than such portion of the principal as would not be due had no default occurred) under the terms of said trust deed and the obligations secured thereby, including all costs and expenses actually incurred and Trustee's and attorney fees as provided by ORS Chapter 86 and by curing any other defaults stated herein.

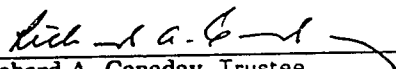
13133

In construing this notice and whenever the context hereof so requires, the word "Grantor" includes any successor in interest of Grantor as well as any other person owing an obligation the performance of which is secured by said trust deed and their successors in interest; the word "Trustee" includes any successor Trustee; and the word "Beneficiary" includes any successor in interest of Beneficiary named in trust deed.

Any person interested in this sale and having questions should contact Deborah Lewis, Legal Assistant, at 224-5858.

DATED at Portland, Oregon, July 6, 1987.

ORIGINAL


Richard A. Canaday, Trustee
111 S.W. Fifth Avenue
Portland, Oregon 97204-3699
Telephone: (503) 224-5858

13134

MILLER, NASH, WIENER, HAGER & CARLSEN
ATTORNEYS AND COUNSELORS AT LAW
3500 U.S. BANCORP TOWER
III S. W. FIFTH AVENUE
PORTLAND, OREGON 97204-3699
TELEPHONE (503) 224-5858
TELEX 364462 KINGMAR PTL
TELECOPY (503) 224-0155

July 14, 1987

Ore-Cal General Wholesale, Inc.
c/o Mr. Donald R. Waggoner
Registered Agent
2270 Cambridge Drive
Fairfield, California 94533-2016

Subject: FSLIC as Receiver for State Fed
Trust Deed Foreclosure Proceedings
against COMAC Properties, Inc.
(Washburn Way Plaza Shopping Center)
State Fed Loan No. 155005844

Gentlemen:

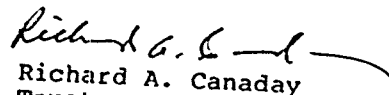
Pursuant to the provisions of ORS 86.740(1), you were previously sent a trustee's notice of sale in connection with the above-referenced foreclosure proceedings. Enclosed is an amended trustee's notice of sale.

A Chapter 7 Bankruptcy was filed by Ore-Cal General Wholesale, Inc., on May 15, 1986. On June 8, 1987, a relief from stay was obtained. Pursuant to ORS 86.755(6), the foreclosure proceedings will continue as if uninterrupted.

The trustee's sale is now scheduled to be held on August 20, 1987, 11 a.m., at the main entrance to the Klamath County Courthouse, in Klamath Falls, Oregon.

If you have any questions concerning this foreclosure, please contact Deborah Lewis at (503) 224-5858.

Very truly yours,


Richard A. Canaday
Trustee

13135

MILLER, NASH, WIENER, HAGER & CARLSEN
ATTORNEYS AND COUNSELORS AT LAW
3500 U.S. BANCORP TOWER
III S. W. FIFTH AVENUE
PORTLAND, OREGON 97204-3699
TELEPHONE (503) 224-5858
TELEX 364462 KINGMAR PTL
TELECOPY (503) 224-0155

July 14, 1987

Mr. Donald R. Waggoner
Co-Personal Representative
of the Estate of Harry R. Waggoner
2270 Cambridge Drive
Fairfield, California 94533-2016

Subject: FSLIC as Receiver for State Fed
Trust Deed Foreclosure Proceedings
against COMAC Properties, Inc.
(Washburn Way Plaza Shopping Center)
State Fed Loan No. 155005844

Dear Mr. Waggoner:

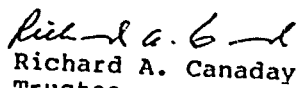
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Very truly yours,


Richard A. Canaday
Trustee

MILLER, NASH, WIENER, HAGER & CARLSEN
ATTORNEYS AND COUNSELORS AT LAW
3500 U.S. BANCORP TOWER
III S. W. FIFTH AVENUE
PORTLAND, OREGON 97204-3699
TELEPHONE (503) 224-5858
TELEX 364462 KINGMAR PTL
TELECOPY (503) 224-0155

13136

July 14, 1987

Early American
c/o Post Office Box 925
Klamath Falls, Oregon 97603

Subject: FSLIC as Receiver for State Fed
Trust Deed Foreclosure Proceedings
against COMAC Properties, Inc.
(Washburn Way Plaza Shopping Center)
State Fed Loan No. 155005844

Gentlemen:

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If you have any questions concerning this foreclosure, please contact Deborah Lewis at (503) 224-5858.

Very truly yours,

Richard A. Canaday
Richard A. Canaday
Trustee

RETURN TO: Miller, Nash, Wiener, Hager & Carlsen
111 S.W. Fifth Avenue
Portland, Oregon 97204

Attn: Deborah Lewis

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Company the 23rd day
of July A.D., 19 87 at 11:17 o'clock A M., and duly recorded in Vol. M87
of Mortgages on Page 13130

FEE \$29.00

Evelyn Biehn, County Clerk
By *[Signature]*