

989

FORM No. 1174—AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE—Oregon Trust Deed Series.

Vol. m89 Page 9818

STEVENS-NESSLER LAW PUB. CO., PORTLAND, ORE. 97204



RECEIVED  
JUN 05

**AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE**  
(after release from stay)

STATE OF OREGON, County of Josephine, ss:

I, Carol N. Connors,

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 his successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of the sale of the real property described in the attached Amended Trustee's Notice of Sale by mailing a copy thereof by registered or certified mail to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

NAME

Michael Grassmuck  
Bankruptcy Trustee

Linda M. Turner

ADDRESS

P. O. Box 1783, Medford, OR 97501

P. O. Box 335, Sprague River, OR  
97539-0335

Said Amended Trustee's Notice of Sale was given in compliance with ORS 86.755(6), within 30 days after release from a stay of the foreclosure proceedings, and the above named persons include all of those persons listed in ORS 86.740 and ORS 86.750(1).

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 19, 1989, which was within 30 days after release from a stay of the foreclosure proceeding set forth therein.

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

Carol N. Connors  
Carol N. Connors

1989 day of May

Subscribed and sworn to before me this 19th day of May, 1989.

Patrick J. Kelly  
Notary Public for Oregon.  
My commission expires 8/13/89

Note: An original amended notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

**AFFIDAVIT OF MAILING  
AMENDED TRUSTEE'S NOTICE OF SALE**  
(after release from stay)

Re: Trust Deed From

Grantor

to

Trustee

AFTER RECORDING RETURN TO

Patrick J. Kelly  
1200 N. E. 7th Street  
Grants Pass, O. 97524

(DON'T USE THIS  
SPACE; RESERVED  
FOR RECORDING  
LABEL IN COUN-  
TIES WHERE  
USED.)

STATE OF OREGON, } ss.  
County of \_\_\_\_\_

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, 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

89 JUN 5 AM 10 30

9819

Reference is made to that certain trust deed made by Linda M. Turner  
Klamath County Title Company  
in favor of Vernon C. Julien  
dated July 20  
Klamath

19 88, recorded August 3  
County, Oregon, in book, tract, volume No. M88, in the mortgage records of  
property situated in said county and state, to-wit: The North Half of the Southwest Quarter of the  
Southwest Quarter of Section 23, Township 35 South, Range 10 East of the Willamette  
Meridian, Klamath County, Oregon, EXCEPT the following: Beginning at the Northwest  
corner of the North Half of the Southwest Quarter of the Southwest Quarter of said  
Section 23, Thence South 330 feet to a point, thence East 660 feet, thence North 330  
feet, thence West 660 feet, more or less, to the point of beginning.

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 Oregon Revised Statutes 86.735(3); the de-  
fault for which the foreclosure is made is grantor's failure to pay when due the following sums:  
September 1, 1988 monthly installment of \$132.22 plus  
October 1, 1988 monthly installment of \$132.22

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:  
The unpaid principal balance of \$4,300.00, plus interest thereon at the rate of 15%  
per annum from August 1, 1988 until paid.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be  
sold on February 14, 1989, at the hour of 1:00 o'clock P.M., in accord with the standard of  
time established by ORS 187.110, at Front Entrance of Klamath County Courthouse  
in the City of Klamath Falls, County of Klamath, State of Oregon; however, subse-  
quent to the recording of said Notice of Default the original sale proceedings were stayed by order of the court or by  
proceedings under the National Bankruptcy Act or for other lawful reason. The beneficiary did not participate in ob-  
taining such stay. Said stay was terminated on May 9, 1989.

WHEREFORE, notice hereby is given that the undersigned trustee will on June 9, 1989,  
at the hour of 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110  
at Front entrance of the Klamath County Courthouse  
in the City of Klamath Falls, County of Klamath, State of Oregon, (which is the new  
date, time and place set for said sale) sell at public auction to the highest bidder for cash the interest in the said de-  
scribed real property which the grantor had or had power to convey at the time of the execution by him of the said  
trust deed, together with any interest which the grantor or his 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 reason-  
able 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 to be due had no default occurred) and by curing any other default complained of herein that is capa-  
ble 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 incur-  
red in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts  
provided by said ORS 86.753.

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 obli-  
gation, 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 May 15, 1989

State of Oregon, County of Josephine

Patrick J. Kelly

Trustee

Patrick J. Kelly

Attorney for said Trustee

U.S. BANKRUPTCY COURT  
DISTRICT OF OREGON  
FILED

MAY 9 1989

DUNN, CLERK  
DEPUTY

PATRICK J. KELLY  
Attorney for Movant  
1200 N. E. 7th Street  
Grants Pass, OR 97526  
(503) 474-1908

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF OREGON

LINDA M. TURNER )  
Debtor )  
VERNON C. JULIEN )  
Movant )

CASE NO.: 689-60577 R 07

ORDER FOR RELIEF FROM  
AUTOMATIC STAY

WHEREAS on April 10<sup>th</sup>, 1989, Movant filed a Motion for Relief from Automatic Stay filed by creditor, Vernon C. Julien,

WHEREAS, after due notification by first class mailing, Debtor has failed to respond in a timely manner.

THEREFORE, the Court finds that Movant is entitled to Relief from Automatic Stay, and IT IS ORDERED that the automatic stay of 11 U.S.C. 362 is lifted as to creditor Vernon C. Julien so that said creditor may foreclose its security interest in the property described in Exhibit "A"

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

Bankruptcy Consultant

(S) Albert E. Radcliffe  
Bankruptcy Judge

Presented by Patrick J. Kelly  
OSB #79-2882

PATRICK J. KELLY  
ATTORNEY AT LAW, P.C.  
1200 NORTH EAST SEVENTH STREET  
GRANTS PASS, OREGON 97526  
(503) 474-1908

## EXHIBIT "A"

The N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 23, Township 36 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING the following: Beginning at the Northwest corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 23, thence South 330 feet to a point, thence East 660 feet, thence North 330 feet, thence West 660 feet, more or less, to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Patrick Kelly the 5th day  
of June A.D., 19 89 at 10:30 o'clock A.M., and duly recorded in Vol. M89,  
of Mortgages on Page 9818.

FEE \$23.00

Evelyn Biehn County Clerk

By Pauline Mullins