

38854

AUG 6 1991

Vol. m91 Page 26485

Affidavit of Publication

STATE OF OREGON,
COUNTY OF KLAMATH

I, Deanna Azevedo, Office Manager

being first duly sworn, depose and say that

I am the principal clerk of the publisher of

the Herald and News

a newspaper of general circulation, as

defined by Chapter 193 ORS, printed and

published at Klamath Falls in the

aforsaid county and state; that the _____

LEGAL #2811

SECOND AMENDED -- TRUSTEES NOTICE

OF SALE -- DIEDRICH/MALLORY

a printed copy of which is hereto annexed,

was published in the entire issue of said

newspaper for _____

FOUR

(4 insertions) in the following issues: _____

JUNE 26, 1991

JULY 3, 1991

JULY 10, 1991

JULY 17, 1991

Total Cost: \$299.20

Subscribed and sworn to before me this 17TH

day of JULY, 19 91

Notary Public of Oregon

My commission expires Jan 21 94

SECOND AMENDED TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by DAVID EUGENE DEIDRICH and TERRY LYNN DEIDRICH, Husband and wife, as grantor, to MOUNTAIN TITLE COMPANY, INC., as trustee, in favor of FINLEY H. MALLORY and JEANETTE M. MALLORY, Husband and wife, as beneficiary, dated May 17, 1984, recorded May 18, 1984, in the mortgage records of Klamath County, Oregon, in volume No. M84 at page 8248, or reception No. 36757, covering the following described real property situated in said county and state, to-wit:

Lot 2, Block 7, FIRST ADDITION TO KEND WHISPERING PINES, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon. TOGETHER WITH a 1978 Eaton Park Mobile home, Serial #11809195, License #X151986, which is firmly affixed to the land described herein.

See continuation of attached Exhibit A incorporated herein by reference as if fully set forth. 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 default for which the foreclosure is made is grantor's failure to pay when due the following sums:

1. Failure to pay when due the sums necessary to maintain insurance on the buildings as required by paragraph 4 of the Trust Deed.

2. Failure of the grantor to pay a portion of (\$78.00) the payment due July 17, 1990, and failure of the grantor to pay the entire payment.

(\$478.00) due August 17, 1990 and thereafter. 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 sum of \$42,209.20, together with interest thereon at the rate of 12% per annum from November 1, 1989, together with unpaid interest in the sum of \$1,000.22.

WHEREFORE notice hereby is given that the undersigned trustee will on September 3, 1991, at the hour of 1:00 o'clock P.M., in accordance with the standard of time established by ORS 86.735, in the First Interstate Bank Building, 401 Main Street, Suite 15, 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 said described 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 the grantor in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations hereby secured, and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.733 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 rendering 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 ORS 86.733.

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 April 25, 1991
Neal Buchanan

EXHIBIT A

TRUSTEE'S NOTICE OF SALE

An Appointment of Successor Trustee was recorded at Volume M87, page 9806, a further Appointment of Successor Trustee was recorded at Volume M90, page 1673, and an additional Appointment of Successor Trustee was recorded at Volume M91, page 3065, appointing Neal Buchanan, Attorney at Law, as successor trustee.

The beneficiaries' interest was assigned by a certain instrument recorded at Volume M88, page 19051, records of Klamath County, Oregon, #2811 June 26, July 3, 10, 17, 1991.

STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

Neal G. Buchanan

on this 19th day of Dec. A.D., 19 91
at 12:55 o'clock P.M. and duly recorded
in Vol. M91 of Mortgages Page 26485

Evelyn Biehn

By Deanna Azevedo

Fee, \$8.00

Deputy.

Return: Neal G. Buchanan
601 Main St. #215
Klamath Falls, Or. 97601