

63001

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

Vol. m93 Page 13846

Reference is made to that certain trust deed made by.....Christopher A. Newton.....

....., as grantor, to
 Aspen Title and Escrow, Inc., as trustee,
 in favor of Edgar H. Viets and Neva I. Viets , as beneficiary,
 dated September 17 , 1990, recorded September 24 , 1990, in the mortgage records of
 Klamath County, Oregon, in book/reel/volume No. M90 at page 19223
~~and/or notes, bills, instruments, mortgages, assignments, etc.~~ (indicate which), covering the following described
 real property situated in said county and state, to-wit:

A parcel lying in SE 1/4 of the NW 1/4 of Section 2,
 TWP 39 South, RNGE 9 East of the Willamette Meridian,
 in the County of Klamath, more particularly described
 in Exhibit "A" attached.

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:

\$1491.50 - Default payments on Note
 \$642.74 - Unpaid taxes
 \$147.00 - Sanitary Dist. Assessment
 (and all sums owing since default)

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:

\$94,096.62

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be
 sold on July 9 , 1993, at the hour of 10:00 o'clock A.M., in accord with the standard of
 time established by ORS 187.110, at Klamath County Courthouse, 316 Main St., Klamath Falls
 in the City of 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 , 19.....

WHEREFORE, notice hereby is given that the undersigned trustee will on August 9 , 1993,
 at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110
 at Front steps of the Klamath County Courthouse, 316 Main St.
 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 described
 real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust
 deed, together with any interest which the grantor or grantor's 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 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 exceed-
 ing the amounts provided by said ORS 86.753.

In construing this notice 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 June 14, 1993 , 1993....

Michael Polsan

Trustee

State of Oregon, County of Klamath

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a
 complete and exact copy of the original trustee's notice of sale as amended.

Attorney for said Trustee

TRUSTEE'S NOTICE OF SALE

EXHIBIT "A"

A parcel of land lying in the SE 1/4 of the NW 1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point which bears South 88 degrees 05' West a distance of 20.4 feet and North 0 degrees 59' West a distance of 560 feet and South 89 degrees 25' West a distance of 30 feet and North 0 degrees 59' West a distance of 76 feet from the iron pin in the Dalles California Highway which marks the center of Section 2, Township 39 South, Range 9 East of the Willamette Meridian and running thence South 89 degrees 25' West parallel to the most Southerly line of Pleasant Home Tracts a distance of 215.5 feet to a point; thence North 0 degrees 59' West parallel to the center line of Wiard Street a distance of 81.6 feet, more or less, to a point which is on the Southerly line of Pleasant Home Tracts; thence North 89 degrees 25' East along the said Southerly line of Pleasant Home Tracts a distance of 215.5 feet, more or less, to an iron pin which marks the Southeasterly corner of Lot 1 Pleasant Home Tracts, and which point is 30 feet South 89 degrees 25' West from the centerline of Wiard Street; thence South 0 degrees 59' East parallel to the centerline of Wiard Street a distance of 81.6 feet, more or less, to the point of beginning.

OC

13848



AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE

(after release from stay)

STATE OF OREGON, County of Klamath, ss:

I, Michael Polsan, 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

ADDRESS

Christopher A. Newton

5629 Independence
Klamath Falls, OR 97603

Andy & Joan Ashley

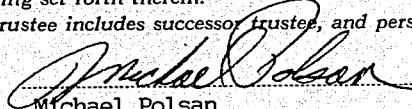
230 Shell Blvd.
Elk City, OK 73644

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.....

Michael Polsan, 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 14, 1993, 19....., 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.


Michael Polsan

Subscribed and sworn to before me this 14th day of June, 1993.

(SEAL)



OFFICIAL SEAL
VIRGINIA M. DIXON
NOTARY PUBLIC-OREGON
COMMISSION NO. 015483
MY COMMISSION EXPIRES MAY 19, 1996

Virginia M. Dixon
Notary Public for Oregon.
My commission expires 5/19/96

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

Christopher A. Newton

Grantor

to

Aspen Title & Escrow, Inc.

Trustee

AFTER RECORDING RETURN TO
Michael Polsan
514 Walnut Avenue
Klamath Falls, OR 97601

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

STATE OF OREGON, } ss.
County of Klamath


I certify that the within instrument was received for record on the 14th day of June, 1993, at 3:48 o'clock P.M., and recorded in book/reel/volume No. M93 on page 13846 or as fee/file/instrument/microfilm/reception No. 63001. Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

NAME

TITLE

By  Evelyn Biehn, Deputy

Fee: \$.00