

After Recording Return to:  
William M. Ganong  
635 Main Street  
Klamath Falls, OR 97601

**AMENDED TRUSTEE'S NOTICE OF SALE**

Pursuant to ORS 86.755 (6), the undersigned Trustee and the Beneficiary have elected to foreclose the following described Trust Deed in the manner provided by said statute.

1. The names of the Grantor, Trustee and Beneficiary named in the subject Trust Deed are:

- A. Grantor: Richard K. Newman and Arla R. Newman
- B. Trustee: Mountain Title Company of Klamath County
- C. Beneficiary: Vincent A. Jacobs and Patricia A. Jacobs

William M. Ganong, Attorney at Law, has been appointed as Successor Trustee by the Beneficiaries.

2. The legal description of the property covered by the subject Trust Deed is more particularly described on Exhibit A, attached hereto.

3. The Book, page number and the date the subject Trust Deed was recorded in the Mortgage Records of Klamath County, Oregon are:  
Book: M-90      Page: 12063      Date Recorded: June 19, 1990.

4. The default for which the foreclosure is made is the Grantor's failure to pay when due installment payments of not less than \$266.67, each, on the 14th day and the 28th day of each month for a period of 29 months (58 such payments) and the failure to pay a \$50 per month extension fee for a total of 29 months to and including the month of November, 1994, plus advances made by the beneficiaries on behalf of Grantor in the sum of \$14,081.49, plus interest thereon at 9% per annum from November 18, 1994 until paid.

5. The sum owing on the obligation secured by the subject Trust Deed is the principal amount of \$20,000 plus interest thereon at the rate of 16% per annum which totalled \$6,313.84 through November 18, 1994, and which accrues at the rate of \$8.89 per day for each day after November 18, 1994 that the principal remains unpaid, plus late payments fees of \$1,653.84, extension fees of \$1,450, and advances of \$14,081.49, and costs, expenses, and attorney's fees incurred in Grantors' bankruptcy proceedings of approximately \$4,500. Said amounts were computed as of November 18, 1994, and are subject to increases after that date. A current "sum owing" can be obtained from the Successor Trustee on reasonable notice.

6. The Beneficiary and the Trustee have elected to foreclose the above referenced Trust Deed pursuant to the provisions of Oregon Revised Statutes 86.705 to 86.795.

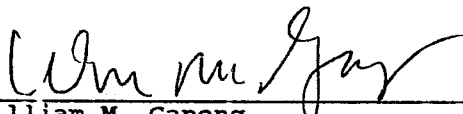
7. The Trustee will conduct a sale of the above described property at 10:00 a.m. on the 22nd day of December, 1994, at 635 Main Street, Klamath Falls, Oregon.

8. Pursuant to ORS 86.753, the Grantor, the Grantor's successor in interest to all or any part of the above described property, any beneficiary under a subordinate Trust Deed, or any person having a subordinate lien or encumbrance of record on the property, may cure the default or defaults at any time prior to five days before the above said date of sale by paying the entire amount due at the time of cure under the terms of the obligation, other than such portion as would not then be due had no default occurred. In addition, the person affecting the cure shall pay all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the Trustee's and Attorney's fees specified in the said statute.

In construing this instrument, 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 persons owing an obligation, the performance of which is secured by said Trust Deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

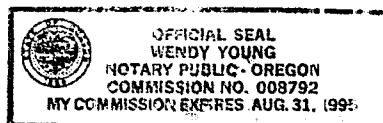
The Trustee's Sale of the property described on Exhibit A attached hereto was stayed by the filing of a case under Chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court, District of Oregon, Case No. 694-62311-aer 13 on June 14, 1994. The said stay was terminated by a Notice of Dismissal issued by said court and dated November 18, 1994, a photocopy of which is attached hereto.

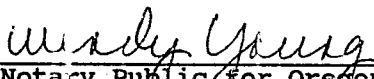
Dated this 28th day of November, 1994.

  
 William M. Ganong

STATE OF OREGON, County of Klamath) ss.

Personally appeared this 28th day of November, 1994, the above named William M. Ganong, Successor Trustee, and acknowledged the foregoing instrument to be his voluntary act and deed



  
 Notary Public for Oregon  
 My commission expires: 8-31-95

## EXHIBIT A

## PARCEL 1:

All that portion of Tract 48 of HOMEDALE, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, described as follows:

Beginning at a point in the west right of way line of the County Road known as Homedale Road, which bears South 0°20' West 258.4 feet from the Northeasterly corner of said Tract No. 43, and running thence North 43°30' West parallel with First Avenue in Homedale, 201.8 feet; thence at right angles North 46°30' East 60 feet; thence at right angles South 43°30' East 139 feet, more or less to the Westerly right of way line of said Homedale Road; thence South 0°20' West 86.61 feet, more or less to the place of beginning.

## PARCEL 2:

All that portion of Tract No. 48 of Homedale, according to the official plat thereof on file at the office of the County Clerk of Klamath County, Oregon, described as follows:

Beginning at the most Southerly corner of said Tract No. 48; thence North 54°30' West 194.5 feet; thence North 43°30' West 65.9 feet; thence North 46°30' East 121 feet; thence South 43°30' East 168.4 feet, more or less, to the Westerly line of Homedale Road; thence South 0°20' West along the Westerly line of Homedale Road 121.5 feet, more or less to the point of beginning.

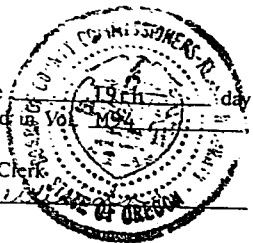
THE STREET ADDRESS OF THIS PROPERTY IS 3730 HOMEDALE ROAD, KLAMATH FALLS, OR 97603.

STATE OF OREGON: COUNTY OF KLAMATH ss.

Filed for record at request of Wm. M. Garing the 19th day  
of May A.D. 19 94 at 10:04 o'clock A M. and duly recorded in Vol. 15760  
of Mortgages on Page 15760  
Evelyn Biehn County Clerk  
By Pauline M. Biehn

FEE \$40.00

INDEXED



UNITED STATES BANKRUPTCY COURT  
District of Oregon

In re

Richard Kerly Newman

Arta R. Newman

Other names used by debtor(s):

Richard Newman Trucking

Debtor(s)

Case No. 694-62311-aer13

36429

NOTICE OF DISMISSAL

RECEIVED NOV 21 1994

THE COURT HAVING FOUND THAT:

Debtors failed to make plan payments as required by the Chapter 13 Plan.

NOTICE IS GIVEN that:

1. This case was dismissed by court order on: 11/15/94.
2. Within 15 days of the date below any trustee (except any Chapter 7 trustee who has already filed a "No Asset" inventory and report and who has not subsequently collected any estate assets) shall file a final report and account; and upon filing the trustee shall be discharged and relieved of his/her trust, the trustee's bond cancelled, and the surety or sureties thereon released from further liability thereunder except for any liability accruing during the time such bond was in effect.
3. By virtue of the court's order no further payments will be made to creditors by a trustee; the Bankruptcy Code provisions for an automatic stay of certain acts and proceedings against the debtor(s) and co-debtors and their property are no longer in effect; and creditors should now look directly to the debtor(s) for satisfaction of any balances owing upon their claims.
4. Any previously entered order directing employer to pay wages to a trustee is terminated AND THE EMPLOYER OF THE DEBTOR SHOULD DISCONTINUE MAKING PAYMENTS TO THE TRUSTEE AND SHOULD HEREAFTER PAY ALL NET WAGES EARNED BY THE DEBTOR DIRECTLY TO THE DEBTOR.

Dated: 11/18/94

Clerk, U.S. Bankruptcy Court

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Wm. M. Ganong the 30th day  
of Nov A.D., 19 94 at 9:13 o'clock A M., and duly recorded in Vol. M94  
of Mortgages on Page 36426

FEE \$25.00

Evelyn Biehn County Clerk

By Debra J. Millender