

AMENDED NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by GEORGE FILIPPENKO and ELIZABETH M. FILIPPENKO, husband and wife, as Grantor, to KLAMATH COUNTY TITLE COMPANY, as Trustee, in favor of WILLIAM A. BUTLER and JUNE D. BUTLER, Husband and Wife, as Beneficiary, dated November 30, 1992, recorded November 30, 1992, in the Mortgage Records of Klamath County, Oregon in Vol. M92, page 28302, covering the following described real property situated in said county and state, to-wit:

See Attached Exhibit "A."

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 of which the foreclosure is made is grantor's failure to pay when due the following sums: Payments in the amount of \$242.01 due on December 3, 1993, and February 3, 1994, and each and every month thereafter; plus real estate taxes in the amount of \$602.87 plus interest, plus real estate taxes for the year 1994-95 in the amount of \$563.60 plus interest, plus real estate taxes for the year 1995-96 in the amount of \$475.06, Account No. 3909-24A-700 Key No. 582630; plus payment made to Klamath Irrigation District by the beneficiary in the amount of \$1,705.34, less payment of \$264 by beneficiary received August 11, 1995.

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:

\$14,247.67 plus interest accruing at the rate of \$5.8552 per day from January 3, 1994; plus real estate taxes in the amount of \$602.87 plus interest, plus real estate taxes for the year 1994-95 in the amount of \$563.60 plus interest, plus real estate taxes for the year 1995-96 in the amount of \$475.06, Account No. 3909-24A-700 Key No. 582630; plus payment made to Klamath Irrigation District by the beneficiary in the amount of \$1,705.34, less payment of \$264 by beneficiary received August 11, 1995.

WHEREFORE, amended notice hereby is given that the undersigned trustee will on January 18, 1996, at the hour of 10:00 o'clock, A.M., in accordance with the standard of time established by ORS 187.110, at Klamath County Courthouse Annex, front steps, 305 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 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 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 reasonable 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 capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums of 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 86.753.

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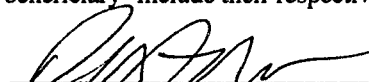
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RICHARD FAIRCLO
ATTORNEY AT LAW
280 MAIN STREET
KLAMATH FALLS, OREGON 97601

The original sale proceedings were stayed by United States Bankruptcy Court, District of Oregon, proceeding in Case No. 695-60902-aer13, and such stay was terminated November 22, 1995.

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 which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: Dec. 20, 1995


Successor Trustee

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RICHARD FAIRCLO
ATTORNEY AT LAW
280 MAIN STREET
KLAMATH FALLS, OREGON 97601

DESCRIPTION OF PROPERTY

The following described real property situate in Klamath County, Oregon:

A portion of that tract of land recorded in Volume 242 page 100 of Deed Records of Klamath County, Oregon, described therein as being that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 39 South, Range 9 E.W.M., Klamath County, Oregon, described as follows: Beginning at the Northeast Corner of the above described tract of land which point of beginning is the Northeast Corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24 and bears West along the Section line a distance of 1339.75 feet from the Northeast Corner of said Section 24; thence continuing West along the Section line a distance of 125 feet, thence S. 0°19' W. 167 feet; thence East parallel to the North Section line 125 feet; thence N. 0°19' E. 167 feet to the point of beginning. Excepting therefrom any portion lying in Airway Drive.

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

34797

STATE OF OREGON

County of Klamath

] ss.
]

I, RICHARD FAIRCLO, being duly sworn, depose and say and certify that:

At all times hereinafter mentioned I was and am now a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor of interest named in the attached original amended notice of sale given under the terms of that certain trust deed described in said notice.

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

George Filippenko
7008 Airway Drive
Klamath Falls, Oregon 97603

Klamath Irrigation District
6640 KID Lane
Klamath Falls, Oregon 97603

Elizabeth Filippenko
7008 Airway Drive
Klamath Falls, Oregon 97603

Carter Jones Collection Service
1143 Pine Street
Klamath Falls, Oregon 97601

Richard Marlatt
Town & Country Mortgage
1147 East Main Street
Klamath Falls, Oregon 97601

Alfred Edgar
3370 Lake Forest Road
Chiloquin OR 97626

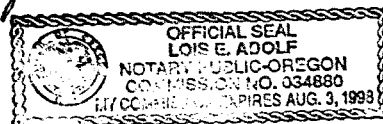
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice (c) any person, including the Department of Revenue or any other state agency, having a lien or interest, subsequent to the trust deed if the lien or interest appears of record of the beneficiary has actual notice of the lien or interest, and (d) any person request notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be true copy of the original notice of sale by RICHARD FAIRCLO, 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 December 20, 1995, as mailed with a proper form to request and obtain a return receipt and postage thereon i the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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

SUBSCRIBED AND SWORN to before me this 20th day of December, 1995

[Signature]
Notary Public of Oregon
My Commission expires:
RICHARD FAIRCLO
ATTORNEY AT LAW
280 MAIN STREET
KLAMATH FALLS, OREGON 97601



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Richard Fairclo the 21st day of Dec A.D., 19 95 at 2:15 o'clock P M., and duly recorded in Vol. M95 of Mortgages on Page 34794.

FEE \$25.00

Bernetha G. Letsch, County Clerk
[Signature]