

AMENDED NOTICE OF DEFAULT AND ELECTION TO SELL  
AFTER RELEASE FROM STAY

Reference is made to that certain trust deed made by ESTHER EILEEN HYDE as Grantor, to C.E. FRANCIS, as Trustee, in favor of CHARLES H. PANKEY, as Beneficiary, dated \_\_\_\_\_, 1992, recorded June 18, 1992, in the Mortgage Records of Klamath County, Oregon in Vol. M92, page 13480, covering the following described real property situated in said county and state, to-wit:

See Attached Exhibit "A."

A previous Notice of Default and Election to sell was recorded on July 11, 1995, at Volume M95, page 18006, Klamath County Records. Bankruptcy was declared by Esther Eileen Hyde, Case No. 695-63883-aer 13 and the court ordered a stay of the original sale proceedings; said stay was terminated on August 13, 1997; said bankruptcy case has been dismissed, a copy of Notice of Dismissal being attached hereto, as Exhibit "B."

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 \$500 per month beginning February 1, 1995, and each and every month thereafter, plus real estate taxes due and owing on said obligation as follows: 1990-91 \$846.44, 1991-92 \$1,057.89, 1992-93 \$921.85, 1993-94 \$797.65, 1994-95 \$651.28 (Account No. 2808-20B-3100. Key No. 88531); 1990-91 \$132.21, 1991-92 \$162.81, 1992-93 \$142.27, 1993-94 \$123.35, 1994-95 \$142.11 (Account No. 2808-20B-3200. Key No. 88513); 1990-91 \$177.69, 1991-92 \$216.20, 1992-93 \$204.26, 1993-94 \$183.94, 1994-95 \$148.95 (Account No. 2808-20B-4300. Key No. 87122); plus interest accruing on said taxes. Beneficiary may pay portion or all of these taxes prior to the sale referred herein.

The sums owing on the obligation secured by said trust deed are the following, to-wit:

\$47,685.92 plus interest in the amount of \$79.50 through March 15, 1995, plus interest at the rate of \$13.065 per day from March 16, 1995 until paid, said total to be reduced by \$3,000 (applied to interest only) received during pendency of said stay, plus all the above mentioned real estate taxes plus interest accruing.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 8, 1997, 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, Klamath Falls Post Office, 317 South Seventh, 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

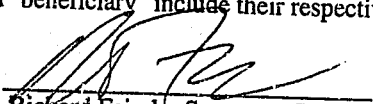
Amended Notice of Default  
Page -1-

By: *Richard Fairclough*  
Attorney at Law  
280 Main Street  
Klamath Falls OR 97601

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, including any of such taxes paid by beneficiary, 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.

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: September 9, 1997

  
Richard Fairclo, Successor Trustee

## Exhibit "A"

## DESCRIPTION

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

Parcel 1:

A parcel of land situate in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 20, Township 28 South, Range 8 East of the Willamette Meridian, more particularly described as follows:

Beginning at the quarter section corner common to Sections 19 and 20, Township 28 South, Range 8 E.W.M., thence North 89°46' East, along the North line of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 20, a distance of 316 feet to the true point of beginning of this description, said point being located on the Southeasterly line of the right of way of U. S. Highway 97; thence, from said true point of beginning North 89°46' East, continuing along the North line of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 20, a distance of 223 feet; thence South 16°53' West 300 feet; thence South 89°46' West 223 feet to a point on the Southeasterly line of said Highway 97; thence North 16°53' East, along said Southeasterly right of way line a distance of 300 feet to the true point of beginning. Tax Lot 4300

Parcel 2:

Beginning at a point on the Easterly right of way line of the Dalles-California Highway, which point is South along the Section line, 1667.8 feet and East 491.6 feet from the Section corner common to Sections 17, 18, 19 and 20 Township 28 South, Range 8 East of the Willamette Meridian; thence North 16°53'30" East along the Easterly right of way line of said highway 100 feet; thence South 76°6'30" East 150 feet; thence South 16°53'30" West, parallel to said right of way line 100 feet; thence North 73°6'30" West 150 feet, more or less to point of beginning, being a portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 20, Township 28 South, Range 8 East of the Willamette Meridian. Tax Lot 3200

SAVE AND EXCEPTING that part conveyed to the State of Oregon by deed recorded June 25, 1954, in Volume 267 page 484, Deed records of Klamath County, Oregon.

Parcel 3:

Beginning at a point on the Easterly right of way line of the Dalles-California Highway, which point bears South along the Section line, 1667.8 feet and East 491.6 feet from the Section corner common to Sections 17, 18, 19 and 20, Township 28 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon; thence South 16°53'30" West along the Easterly right of way line of said highway, 100 feet; thence South 73°06'30" East 150 feet; thence North 16°53'30" East, parallel to the highway 100 feet; thence North 73°06'30" West, 150 feet to the point of beginning; being a portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 20, Township 28 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon. Tax Lot 3100

RECEIVED AUG 18 1997

29497

NOD (6/13/97) jlw

UNITED STATES BANKRUPTCY COURT  
District of Oregon

U.S. BANKRUPTCY COURT  
DISTRICT OF OREGON  
FILED

August 16, 1997

Terence H. Dunn, Clerk

BY jlw DEPUTY

In re

Esther Eileen Hyde, 540-44-4378

Other names used by debtor(s):  
97 Deli-Mart, Eileen Hyde,

Debtor(s)

Case No. 695-63883-aer13

NOTICE OF DISMISSAL

EXHIBIT

B

THE COURT HAVING FOUND THAT:

The debtor 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: 08/13/97.
2. 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.
3. Any previously entered order directing chapter 13 payments to a trustee is terminated **AND THE DEBTOR'S EMPLOYER (OR OTHER NAMED PARTY) SHOULD DISCONTINUE MAKING PAYMENTS TO THE TRUSTEE AND SHOULD HEREAFTER PAY ALL NET WAGES EARNED BY THE DEBTOR DIRECTLY TO THE DEBTOR.**
4. Dismissal of the case does not reinstate any transfer avoided by a Chapter 12 or 13 trustee under 11 USC §§544, 547, 548 or 549 to the extent the trustee has received and disbursed proceeds of avoided transfers pursuant to a confirmed Chapter 12 or 13 plan.
5. Any unpaid filing fees are now due and owing. The court will not entertain a motion to set aside or reconsider the dismissal order, or reopen this case, unless all filing fees are paid in full.

Clerk, U.S. Bankruptcy Court

## AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE

STATE OF OREGON                    ]  
   ] ss.  
 County of Klamath                ]

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

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 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 foregoing 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:

Occupant  
 HC 30 Box 124  
 Chemult OR 97731

Esther Eileen Hyde (Estate)  
 c/o Stephen Behrends, Attorney  
 P.O. Box 10552  
 Eugene OR 97731

Esther Eileen Hyde Estate  
 c/o Ronnie Lee Hyde, P.R.  
 HC 30 Box 123  
 Chemult OR 97731

Attorney General of the United States  
 Department of Justice  
 Tax Division  
 Washington DC 20530

Internal Revenue Service  
 Attention: Chief Special Procedures  
 915 Second Avenue M/S W245  
 Seattle WA 98174

Klamath County Tax Collector  
 305 Main Street  
 Klamath Falls, Oregon 97601

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

///  
 Affidavit of Mailing  
 Page -1-

*Richard Fairclo  
 Attorney at Law  
 280 Main Street  
 Klamath Falls OR 97601*

State of Oregon  
Employment Division  
875 Union Street NE  
Salem, Oregon 97311

Oregon Department of Revenue  
Box 14110  
Salem Oregon 97310

General Motors Acceptance Corp.  
c/o Douglas L. McCool P.C.  
Attorney at Law  
400 Country Club Road, Suite 210  
Eugene OR 97401

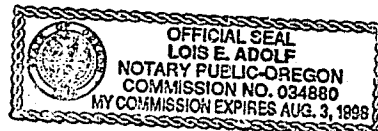
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice (c) any person, including the Department of Revenue or any other state agency, having a lien or interest, 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 September 9, 1997, 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 9<sup>th</sup> day of September, 1997

Lois E. Adolf  
Notary Public of Oregon  
My Commission expires:



Affidavit of Mailing  
Page -2-

*Richard Fairclo*  
Attorney at Law  
280 Main Street  
Klamath Falls OR 97601

STATE OF OREGON: COUNTY OF KLAMATH : ss.

Filed for record at request of Richard Fairclo the 9th day  
of Sept. A.D., 19 97 at 1:52 o'clock P. M., and duly recorded in Vol. M97  
of Mortgages on Page 29494.

FEE \$35.00

By Bernetha G. Letsch, County Clerk  
*Bernetha Letsch*