

Affidavit of Publication

K-51950

STATE OF OREGON, COUNTY OF KLAMATH

I, Julie Hughes, 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 in general circulation, as
defined by Chapter 193 ORS, printed and
published at Klamath Falls in the
aforesaid county and state; that the

LEGAL #1498

AMENDED.....

a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for FOUR

(4) insertion(s) in the following issues:

JUNE 26

JULY 3/10/17, 1998

Total Cost: \$676.00

Subscribed and sworn before me this 17TH
day of JULY, 1998

Debra A. Grubbe
Notary Public of Oregon

My commission expires 3-15 2000

AMENDED TRUSTEE'S NOTICE OF SALE. Reference is made to that certain trust deed made by JOE H. VICTOR and ELEANOR D. VICTOR, grantors, to AM DREW P. OSTIIS, Successor, Trustee, BRANDT A. HIMLER, as trustee, in favor of WILLIAM BARRY and FRED BARRY, as beneficiary, dated the 25th day of December, 1996, and recorded the 6th day of January, 1997, in the microfilm mortgage records of Klamath County, Oregon, in Volume 1497, Page 204, covering the following described real property situated in the above-mentioned county and state, to-wit:

Lot 23 and 27 in Block 21 of Industrial Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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 foreclosure is made is grantor's failure to pay when due the following sums:

Final Balloon Payment in the amount of \$19,826.41 due June 27, 1997, together with interest at a rate of 14% from August 28, 1997, forward, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents, or assigns, plus real property taxes, (if any), together with any penalties, delinquent interest and late charges thereon.

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed described, together with interest thereon, to be immediately due and payable in full, the sums being the following:

\$19,826.41, together with interest thereon at the rate of 14% per annum beginning August 28, 1997, together with late charges, after accrued interest, property taxes, title expense, costs, trustee's fees and attorneys' fees incurred herein by reason of said default, and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

The Notice of Default and Original Notice of Sale given pursuant thereto, stated that the property would be sold at the hour of 3:00 o'clock P.M., to accord with the standard of time established by ORS 187.110, on June 26, 1998, at the following place: Front Main Entrance of the Klamath County Courthouse, in the City of Klamath Falls, County of Klamath, State of Oregon; however, subsequent 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 obtaining such stay. Said stay was terminated.

WHEREFORE, trustee and attorney's notice hereby is given that the undersigned, trustee or attorney for trustee, will at the hour of 3:00 o'clock P.M., in accordance with the standard of time established by ORS 187.110, on August 14, 1998, at the following place: Front Main Entrance of the United States Post Office, located at 317 5th St., in the City of Klamath Falls, County of Klamath, State of Oregon, (which is the place set for said sale) sell at public auction the highest bidder to Brandt A. Himler, Successor Trustee, the property which the grantor had, or had the power to convey at the time of the execution by grantor of the trust deed, together with any interest the grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

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 by reason of default occurring 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 the sums 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 their amounts provided by 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 the trust deed; and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED this 14th day of April, 1998.

By Kathleen Rose

RETURN: R. HENDRICK, 1223 EDGEWATER NW, SALEM, OR 97304

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of First American Title the 22nd day
of July A.D., 19 98 at 11:17 o'clock A. M., and duly recorded in Vol. 199
of Mortgages on Page 26691

Bernetha G. Letsch, County Clerk

FEE \$10.00

By Kathleen Rose