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Vol. m98 Page 28036

**AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE**

RE: Trust Deed from

D. Scott and Elizabeth Duff

To Grantor

Klamath County Title Company

Trustee

After recording, return to (Name, Address, Zip):

James R. Uerlings

110 N 6th Street

Klamath Falls, OR 97601

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON,

County of _____ } ss.

I certify that the within instrument
was received for record on the _____ day
of _____, 19____, at
_____ o'clock _____ M., and recorded in
book/reel/volume No. _____ on page
_____ and/or as fee/file/instru-
ment/microfilm/reception No. _____,
Records of said County.

Witness my hand and seal of County
affixed.

NAME

TITLE

By _____, Deputy

STATE OF OREGON, County of Klamath
I, James R. Uerlings) ss:

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 the beneficiary's successor in interest named in the attached original notice of sale given
under the terms of that certain deed described in the notice of sale.

I gave notice of the sale of the real property described in the attached trustee's Notice of Sale by mailing copies thereof by
both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives,
where so indicated) at their respective last known addresses, to-wit:

NAME

ADDRESS

D. Scott Duff and Elizabeth Duff

PO Box 308
Malin, OR 97632

These 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 or the benefi-
ciary has actual notice of the lien or interest; and (d) any person requesting notice as set forth in ORS 86.785.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by _____

James R. Uerlings

_____, attorney for the trustee named in the notice. Each such
copy was mailed 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 July 27, 1998. With respect to each person listed above, one
such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was
mailed with a proper form to request and obtain a return receipt, with postage thereon in an amount sufficient to accomplish the same.
Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

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



James R. Uerlings, Successor Trustee

Subscribed and sworn to before me on July 27, 1998

Julie A. Roberts
Notary Public for Oregon

My commission expires 10/21/01

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

AMENDED**
TRUSTEE'S NOTICE OF SALE

28037

Reference is made to that certain trust deed made by D. Scott Duff and Elizabeth Duff, husband and wife, as grantor, to Klamath County Title Company*, as trustee, in favor of Daniel J. Johnson and Carol M. Johnson, as beneficiary, dated October 3, 1994, recorded October 4, 1994, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M94 at page 30921, or as to the instrument's recording receipt, XXXXXXXXXXXX, covering the following described real property situated in said county and state, to-wit:

Lots 20, 21, 22, 23 and 24, Block 38, CITY OF MALIN, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

*James R. Uerlings appointed Successor Trustee on July 1, 1998, recorded on July 1, 1998 in Klamath County, Oregon in Volume M98, page 23203.

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

- 1) Monthly payments of \$400 each for Feb. through June, 1998 and each month thereafter, plus attorney's fees, trustees fees and other costs of foreclosure.
- 2) 1997-98 real property taxes in the amount of \$606.25 plus interest after 06/15/98.
- 3) City of Malin water and sewer assessments of \$390.40 plus interest and late fees.
- 4) Failure to provide proof of full insurance coverage on the property.

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:

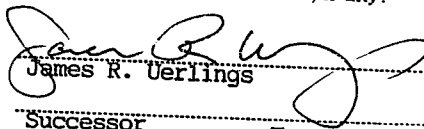
\$30,508.05 plus interest at 10% per annum from March 19, 1998 until paid, plus all property taxes, attorney fees, all costs and expenses, and any sums advanced by Beneficiary to pay any liens that the Grantor has allowed prior to occur against the property.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 1, 1998, at the hour of 11 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at 110 N. 6th 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 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 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 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 exceeding 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 July 9, 1998.


James R. Uerlings

Successor

Trustee

**Change in default information.

State of Oregon, County of Klamath, ss:

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.

Attorney for said Trustee

If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of party to be served.

SERVE:

JOSEPH "R" MOUNTAIN
INVESTIGATIONS
P. O. BOX 800
MERRILL, OREGON

IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF KLAMATH

D. SCOTT DUFF and ELIZABETH DUFF
Husband and Wife

Grantors,

KLAMATH COUNTY TITLE COMPANY

Trustee.

DECLARATION OF SERVICE

I, JOSEPH "R" MOUNTAIN do hereby certify and declare that on July 27, 1998, at the approximate time of 7:55 P.M. I served a, AMENDED NOTICE OF TRUSTEE SALE, in the above action to ELIZABETH DUFF, by handing the copy to her, personally and in person, while at 2245 Railroad Avenue, Malin, Klamath County Oregon.

I further certify that I am a competent person over the age of 18 years, a resident of the State of Oregon, not a party to, nor an Officer, Director for, employee of, nor Attorney for any party, corporate, or otherwise; that the person, firm, or corporation served by me is the identical person, firm, or corporation named in the action

Dated this the 27th day of July, 1998

JOSEPH "R" MOUNTAIN

JOSEPH "R" MOUNTAIN
INVESTIGATIONS
P. O. BOX 800
MERRILL, OREGON

IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF KLAMATH

D. SCOTT DUFF and ELIZABETH DUFF
Husband and Wife

Grantors,

KLAMATH COUNTY TITLE COMPANY

Trustee.

DECLARATION OF SERVICE

I, JOSEPH "R" MOUNTAIN do hereby certify and declare that on July 27, 1998, at the approximate time of 7:55 P.M. I served a, AMENDED NOTICE OF TRUSTEE SALE, in the above action to D. SCOTT DUFF, by handing His copy to ELIZABETH DUFF, personally and in person, while at 2245 Railroad Avenue, Malin, Klamath County Oregon.

I further certify that I am a competent person over the age of 18 years, a resident of the State of Oregon, not a party to, nor an Officer, Director for, employee of, nor Attorney for any party, corporate, or otherwise; that the person, firm, or corporation served by me is the identical person, firm, or corporation named in the action

Dated this the 27th day of July, 1998

JOSEPH "R" MOUNTAIN

1
2
3
4
5 In the Matter of Trustee's Notice of Sale,

6
7 D. SCOTT AND ELIZABETH DUFF,
8

NOTICE OF SUBSTITUTED
SERVICE / OFFICE SUMMONS

9 TO THE ABOVE NAMED PERSON:

D. SCOTT DUFF

10 Pursuant to ORCP 7D(2)(b)&(c), YOU ARE HEREBY NOTIFIED that service of the
11 Amended Trustee's Notice of Sale was made upon you in the above entitled cause by serving the
12 person whose name and address appears below, by substitute/office service at such address, as
13 follows:
14

15 DATE AND TIME OF SERVICE:

July 27, 1998 @ 7:55 p.m.

16 PERSON TO WHOM THE SUMMONS AND
17 COMPLAINT WERE DELIVERED
18
19
20
21
22

Elizabeth Duff
2245 Railroad Avenue
Malin, OR 97632

23 BOIVIN, JONES, UERLINGS, DIACONI & ODEN
110 North 6th Street
24 Klamath Falls, OR 97601
Telephone (541) 884-8101
25 Attorneys for Plaintiff
26

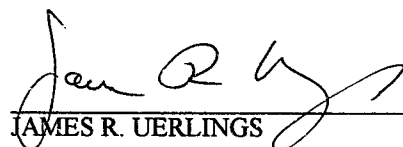
**AFFIDAVIT OF MAILING SUMMONS &
COMPLAINT FOR SUBSTITUTED SERVICE**

STATE OF OREGON)
 :SS
County of Klamath)

DATE: July 29, 1998

The undersigned, being first duly sworn, deposes and says that, on the date above shown, I caused to be mailed to the Defendant whose name and addressee appears at the left below this Affidavit, a true, exact and complete copy of the foregoing Notice and Amended Trustee's Notice of Sale in the above entitled action, by causing the same to be deposited in the United States mail at Klamath Falls, Oregon on said date, addressed as shown, to said Defendants. Said items were mailed first class mail and certified mail, return receipt requested.

D. Scott Duff
2245 Railroad Avenue
Malin, OR 97632


JAMES R. UERLINGS

SUBSCRIBED AND SWORN to before me this 29 day of July, 1998




NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/21/01

28043

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of James R. Uerlings the 31st day
of July A.D., 19 98 at 10:39 o'clock A. M., and duly recorded in Vol. M98
of Mortgages on Page 28036

Bernetha G. Letsch, County Clerk

By Kathleen Rose

FEE \$45.00