

66958

ATC 04047671 Vol. 198 Page 35569

AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE
(after release from stay)

STATE OF OREGON, County of Josephine, ss:

I, MICHAEL J. BIRD

, being first duly sworn, depose, and say and certify that:
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 his successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

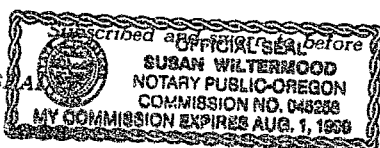
I gave notice of the sale of the real property described in the attached Amended Trustee's Notice of Sale by mailing a copy thereof by registered or certified mail to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

NAME	ADDRESS
Rodney D. Miller	8212 Teal Drive, Bonanza, OR 97623
Kelly A. Miller	8212 Teal Drive, Bonanza, OR 97623
Blair M. Henderson	426 Main Street, Klamath Falls, OR 97601
Connie T. Nalette	549 Torrey, Klamath Falls, OR 97601
Occupants	1121 Washburn, Klamath Falls, OR

Said Amended Trustee's Notice of Sale was given in compliance with ORS 86.755(6), within 30 days after release from a stay of the foreclosure proceedings, and the above named persons include all of those persons listed in ORS 86.740 and ORS 86.750(1).

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Michael J. Bird, 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 Grants Pass, Oregon, on June 2, 1998, which was within 30 days after release from a stay of the foreclosure proceeding set forth therein.

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



Suscribed and Official Seal before me this 2nd day of June, 1998.
Susan Wiltermood
Notary Public for Oregon.
My commission expires 8/1/99

NOTE: An original amended notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

**AFFIDAVIT OF MAILING
AMENDED TRUSTEE'S NOTICE OF SALE**
(after release from stay)

Re: Trust Deed From
Rodney & Kelly Miller

Grantor
to
Aspen County Title & Escrow
Trustee

AFTER RECORDING RETURN TO
BROWN HUGHES BIRD LANE & ROE
ATTORNEYS AT LAW
P.O. BOX 1249
GRANTS PASS, OR 97526-0311

(DON'T USE THIS
SPACE, RESERVED
FOR RECORDING
LABEL IN COUN-
TIES WHERE
USED.)

STATE OF OREGON,
County of Josephine, ss:
I certify that the within instrument was received for record on the 2nd day of June, 1998, at 8 o'clock AM, and recorded in book/reel/volume No. 198 on page 35569 or as fee/file/instrument/microfilm/reception No. 198, Record of Mortgages of said County.
Witness my hand and seal of County affixed.

NAME _____ TITLE _____
By _____ Deputy _____

35570

I certify this document is an exact
and complete copy of the original.

BROWN, HUGHES, BAIL, LANE & ROYE

TRUSTEE'S NOTICE OF SALE (AMENDED)

NOTICE is hereby given that the obligation secured by the trust deed described herein is in default, and that the beneficiary has elected to foreclose the trust deed pursuant to ORS 86.705 to 86.795. No action is now pending to recover any part of the debt secured by the trust deed.

Information required by ORS 86.735 and ORS 86.745 is as follows:

1. Grantor: RODNEY D. MILLER AND KELLY A. MILLER

Trustee: ASPEN COUNTY TITLE & ESCROW, INC.

Successor Trustee: MICHAEL J. BIRD

Beneficiary: FLOYD A. McCURDY

2. Property covered by the trust deed:

Lot 3, Old Orchard Manor, in the City of Klamath Falls, in the County of Klamath, State of Oregon.

CODE 1 MAP 3809-34CB TL 6700

Property Address:
1121 WASHBURN
KLAMATH FALLS OR

3. The trust deed was dated December 12, 1996, and recorded on December 16, 1996, as Fee 30016, Volume M96, at Page 39056, Mortgage Records of Klamath County, Oregon.

4. Default for which foreclosure is made is failure to pay the following:

(a) Monthly payments of \$455.00 each commencing February 16, 1998 and thereafter;

(b) Late payments in the amount of 5% of any installment which is not received by collecting agent within 15 days after installment is due;

(c) Real property taxes, plus interest thereon.

(d) In case of foreclosure by note holder, the 6 month interest prepayment penalty will be due and payable;

5. The sums owing on the obligation secured by the trust deed is:

(a) The principal sum of \$39,000.00, with interest thereon at the rate of 14.00 percent per annum beginning December 16, 1997, until paid.

(b) Late payments in the amount of 5% of any installment which is not received by collecting agent within 15 days after installment is due;

(c) Real property taxes, plus interest thereon.

(d) In case of foreclosure by note holder, the 6 month interest prepayment penalty will be due and payable;

(e) Title expense, costs, trustee's fees and attorney's 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 beneficiary's interest therein.

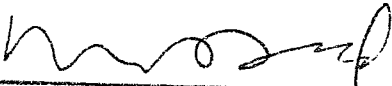
6. The beneficiary has and does elect to sell the property to satisfy the obligation. A Notice of default was recorded on May 11, 1998, as Document No. 57980, Official Records of Klamath County, Oregon.

7. The property will be sold in the manner prescribed by law on September 29, 1998, at 10:00 O'clock, A.M., standard time as established by ORS 187.110, at the front steps of Aspen County Title, 525 Main Street, Klamath Falls, Oregon, 97601, Klamath County, Oregon, which is the hour, date and place last set for the sale.

8. Interested persons are notified of the right under ORS 86.753 to have this 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, together with costs, trustee's and attorney's fees, and by curing any other default complained of in this notice, at any time prior to five (5) days before the date the successor trustee conducts the sale.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

DATED this 1 day of June, 1998.


MICHAEL J. BIRD, SUCCESSOR TRUSTEE

2 - TRUSTEE'S NOTICE OF SALE

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 28th day
of September A.D., 19 98 at 3:44 o'clock P M., and duly recorded in Vol. M98
of Mortgages on Page 35569

FEE \$20.00

By Bernetha G. Letsch, County Clerk
Kettler Road