

66960

ATC 04047671

Vol. 1498 Page 35575

AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE

RE: Trust Deed from

Rodney D. Miller, Kelly A. Miller

To

Grantor

Aspen County Title & Escrow, Inc.

SPACE RESERVED
FOR
RECORDER'S USE

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

BROWN HUGHES BIRD LANE & ROTE
ATTORNEYS AT LAW
P.O. BOX 1249
GRANTS PASS, OR 97526-0311

Trustee

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 Josephine
I, MICHAEL J. BIRD

) 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

Rodney D. Miller

8212 Teal Drive, Bonanza, OR 97623

Kelly A. Miller

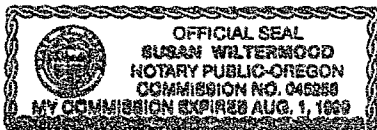
8212 Teal Drive, Bonanza, OR 97623

Blair M Henderson

426 Main Street, Klamath Falls, OR
97601

Connie T Nalette

549 Torrey, Klamath Falls OR 97601

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 _____ 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 _____ Grants Pass _____, Oregon, on _____ May 12 _____, 19 98. 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.

MICHAEL J. BIRD

Subscribed and sworn to before me on _____ May 12 _____, 19 98

Notary Public for Oregon

My commission expires _____ 8/1/99

* 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.

35576

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

BROWN, HUGHES, BIRD, LANE & ROTE

TRUSTEE'S NOTICE OF SALE

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:
8212 Teal Drive
Bonanza OR 97623

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

1 - TRUSTEE'S NOTICE OF SALE

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 12 day of May, 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 3:45 o'clock P M. and duly recorded in Vol. M98 of Mortgages on Page 35575.

FEE
\$20.00

By Bernetha G. Letsch, County Clerk