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ATC 04017671 Vol. M98 Page 35578
TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON,

County of Josephine } ss.I, MICHAEL J. BIRD

being first duly sworn, depose, say and certify that:

I am the successor
Rodney and Kelly Miller

trustee in that certain trust deed executed and delivered by

to Aspen County Title & Escrow

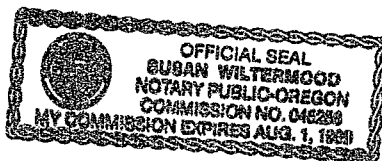
as grantor

in which Floyd A. McCurdy

as trustee,

is beneficiary, recorded on December 16, 1996, in the mortgage records of Klamath
County, Oregon, in book/reel volume No. M96, at page 39056~~and as fee/tile/instrument/microfilm/reception~~
covering the following described real property situated in said county:Lot 3, Old Orchard Manor, in the City of Klamath Falls, in the County of
Klamath, State of Oregon.Property Address: 1121 Washburn, Klamath Falls, OregonI hereby certify that on June 12, 1998, the above described real property was not occupied.The word "trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed
first mentioned above.MICHAEL J. BIRD

Trustee

Subscribed and sworn to before me June 12, 1998.Susan Wilfermar

Notary Public for Oregon

My commission expires 8/1/99TRUSTEE'S AFFIDAVIT
AS TO NON-OCCUPANCY

RE: Trust Deed from

Rodney D. Miller & Kelly
A. Miller

Grantor

to

Aspen County Title & Escrow,
Inc.

Trustee

AFTER RECORDING RETURN TO
BROWN HUGHES BIRD LANE & ROTE
ATTORNEYS AT LAW
P.O. BOX 1249
GRANTS PASS, OR 97526-0311(DON'T USE THIS
SPACE: RESERVED
FOR RECORDING
LABEL IN COUNTIES
WHERE USED.)

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 _____ or as fee/tile/instru-
ment/microfilm/reception No. _____,
Record of Mortgages of said County.Witness my hand and seal of
County affixed.


NAME

TITLE

By _____ Deputy

35579

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


BROWN, RUGHES, BIRD, LANE & ROTE

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 3:45 o'clock P M., and duly recorded in Vol. M98
of Mortgages on Page 35578

FEE \$20.00

By Bernetha G. Letsch County Clerk
Kathleen Rosa