

STATE OF OREGON)

County of Klamath)

Court Case No. 1 _____

I HEREBY CERTIFY THAT on

() Summons & Complaint

() Complaint

() Motion

() Order to Show Cause

() Citation

X TRUSTEE'S NOTICE OF SALE

() Summons & Petition

() Petition

() Affidavit

() Restraining Order

() Small Claim

the within:

() Summons

() Answer

() Order

() Subpoena

() Notice

for service on the within named: OCCUPANTS() SERVED:

at _____

personally and in person

() SUBSTITUTE SERVICE:

By leaving a true copy with _____

resides at the place of abode of the within named _____ who at said abode: _____

() OFFICE SERVICE:

By leaving a true copy with _____

the person in charge of the office maintained for the conduct of business by _____

()

CORPORATE:

By leaving a true copy with _____ of said corporation

X

OTHER METHOD:POSTED(VACANT HOUSE)1121 WASHBURN, KEAS, OR

()

NOT FOUND:

After due and diligent search and inquiry, I hereby return that I have been unable to find the within named _____ within Klamath County.

ALL SEARCH AND SERVICE WAS MADE WITHIN KLAMATH COUNTY, STATE OF OREGON

DATE AND TIME OF SERVICE OR NOT FOUND: POSTED JUNE 12, 1998 AT 4:40 PM

I FURTHER CERTIFY that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon and that I am not a party to nor an officer, director or employee of, not 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.

BY: D. M. O.**BASIN PROSERVE**

422 N. 6th Street

Klamath Falls, OR 97601

(541) 884-6060

35582

**INSTRUCTIONS FOR SERVICE OF TRUSTEE'S
NOTICE OF SALE UPON OCCUPANT PURSUANT
TO ORS 88.750 (1) AND PROOF OF SERVICE
(120-day Notice)**

File Trust Deed from
Rodney M. & Kelly A. Miller

To Grantor
Aspen County Title & Escrow

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**

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.

By _____ Deputy.

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:
STATE OF OREGON,

County of Josephine } ss.

I, the undersigned, being first duly sworn, depose and say:
I am the Trustee or attorney for the Trustee in the trust deed described in the attached Trustee's Notice of Sale.
You are hereby directed to serve the Trustee's Notice of Sale in the manner in which a summons is served pursuant to ORCP
7 D. (2) and 7 D. (3), upon the occupant of the property described in the Notice of Sale.
The name of the person to be served, if known, and the property address of the property described in the trust deed, are as
follows:

Name of person to be served
(If unknown, so state)

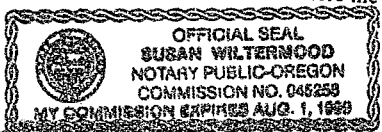
Property Address

Occupants

1121 Washburn
Klamath Falls OR

If the occupant is indicated as "unknown", or if you find the property at this address to be occupied by other than the person
named, then you are instructed to serve the person or persons whom you find to be occupying the property.
Service should be made by 6/19/98, which is 120 days before the date fixed for the sale
in the attached notice. If you have not made service by that date, and the property appears occupied, persist in attempting to make
service until it has been accomplished.
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any
other legal or commercial entity.

Subscribed and sworn to before me this 2nd day of June, 19 98



(Attorney for) Trustee
Susan Wiltermood
Notary Public for Oregon
My commission expires 8/1/99

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

STATE OF _____, County of _____) ss.

PROOF OF SERVICE

35583 

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state where in the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, nor the successor of either, nor an officer, director, employee or attorney for the beneficiary or trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of the Notice of Sale certified to be such by the attorney for the trustee or successor trustee, as follows:

Personal Service Upon Individual(s)

Upon _____, by delivering such true copy to him/her, personally and in person,
at _____, on _____, 19____, at _____ o'clock ____ M.
Upon _____, by delivering such true copy to him/her, personally and in person,
at _____, on _____, 19____, at _____ o'clock ____ M.

Substituted Service Upon Individual(s)

Upon _____, by delivering such true copy at his/her dwelling house
or usual place of abode, to-wit: _____, who is a person over the
age of 14 years and a member of the household of the person served on _____, 19____, at _____ o'clock ____ M.
Upon _____, by delivering such true copy at his/her dwelling house
or usual place of abode, to-wit: _____, who is a person over the
age of 14 years and a member of the household of the person served on _____, 19____, at _____ o'clock ____ M.

Office Service Upon Individual(s)

Upon _____, at the office which he/she maintains for the conduct of
business at _____, during normal working hours, at _____ o'clock, ____ M.
by leaving such true copy with _____, the person who
is apparently in charge, on _____, 19____, during normal working hours, at _____ o'clock, ____ M.

Service on Corporations, Limited Partnerships or Unincorporated Associations Subject to Suit Under a Common Name

Upon _____, by
(NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.)
(a) delivering such true copy, personally and in person, to _____, who is a/the
_____ thereof; OR
(b) leaving such true copy with _____, the person who is apparently in charge of the
office of _____, who is a/the *
at _____, on _____, 19____, at _____ o'clock ____ m.

EACH OF THE PERSONS, FIRMS AND CORPORATIONS SERVED BY ME IS THE IDENTICAL PERSON, FIRM OR CORPORATION NAMED IN THE TRUSTEE'S INSTRUCTIONS TO ME IN CONNECTION HEREWITH.

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public for Oregon

My commission expires _____

* Specify registered agent, officer (by title), director, general partner, managing agent.

PUBLISHER'S NOTE: ORS 86.750(1) requires that the Notice of Sale to be served upon the occupant in the manner in which a summons is served pursuant to ORCP 7 D. (2) and 7 D. (3). The Proof of Service above contains most, but not all, of the methods of service. For example, this form does not include proof of service upon a minor or incapacitated person. See ORCP 7 D. (2) and 7 D. (3) for complete service methods on particular parties.

**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.

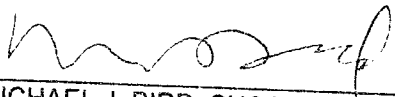
6. The beneficiary has and does elect to sell the property to satisfy the obligation. A Notice of default was recorded on May 11, 1998, as Document No. 57980. Official Records of Klamath County, Oregon.

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.

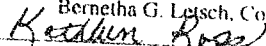

MICHAEL J. BIRD, SUCCESSOR TRUSTEE

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 35581

FEE \$25.00

By  Bernetha G. Leisch, County Clerk