

MTC 445 98

## AFFIDAVIT OF MAILING

STATE OF OREGON )  
COUNTY OF JACKSON )

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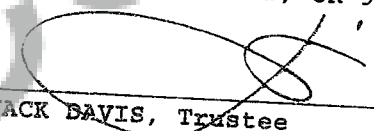
I, JACK DAVIS, a lawyer in the firm of DAVIS, GILSTRAP, HEARN & SHAW, P.C. of Ashland, Oregon, hereby certify that I mailed a copy of the Amended Trustee's Notice of Sale which is attached hereto unto the following named persons and entities pursuant to the provisions of ORS 86.740(1). The Notice was sent by Certified Mail on August 21, 1998, in letters addressed to:

Rodney D. Miller and  
Kelly A. Miller  
8212 Teal Drive  
Bonanza, OR 97623

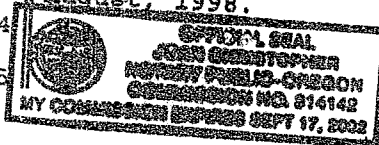
James H. and Margie Patton  
3907 Redondo Way  
Klamath Falls, OR 97603

OCCUPANTS  
1718 Worden  
Klamath Falls, OR 97601

OCCUPANTS  
1720 Worden  
Klamath Falls, OR 97601

  
JACK DAVIS, Trustee

Sept SUBSCRIBED AND SWORN to before me on this 27<sup>th</sup> day of August, 1998.



Joan Christopher  
Notary Public for Oregon

My Commission Expires: 9/17/02

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LAW OFFICES OF  
DAVIS, GILSTRAP, HEARN & SHAW  
A Professional Corporation  
515 EAST MAIN STREET  
ASHLAND, OREGON 97520  
(541) 482-3111 FAX (541) 489-4455

# AMENDED TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by Rodney D. Miller and Kelly A. Miller, husband and wife, as grantor, to Amerititle, as trustee, to secure certain obligations in favor of Vernon G. Ludwig and Ofelia Ludwig, husband and wife, as beneficiary, dated August 16, 1996, and recorded in Volume M96, Page 25753 of the Official Records of Klamath County, Oregon, on August 20, 1996, covering the following described real property, to wit:

Lots 7 and 8 in Block 34 of SECOND ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and to foreclose said trust deed by advertisement and sale. The default for which the foreclosure is made is grantor's failure to pay when due the following sums owing on said obligations, which sums are now past due, owing and delinquent:

Monthly installments of \$585.27 per month, beginning with the installment due February 19, 1998, and monthly installments in the same amount due the 19th day of each month thereafter.

By reason of said default, and grantor's failure to pay delinquent property taxes, if any, the beneficiary has declared the entire unpaid balance of all obligations secured by said trust deed together with the interest thereon, immediately due, owing and payable, said sums being the following to wit:

\$53,983.44, together with interest thereon at the rate of 13% per annum from January 18, 1998, until paid, plus a late fee of 5% of any payment amount not paid within 15 days of its due date, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said trust deed.

A notice of default and election to sell and to foreclose was duly recorded and assigned No. 58133 in Volume M98, Page 16394 of the Official Records of Klamath County, State of Oregon. Said Notice of Default and Election to Sell was recorded May 13, 1998.

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AMENDED TRUSTEE'S NOTICE  
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WHEREFORE, NOTICE HEREBY IS GIVEN that the undersigned trustee will on the 19th day of October, 1998, at the hour of 11:15 o'clock a.m., Pacific Standard Time as established by Section 187.110, Oregon Revised Statutes, at Aspen Title, 525 Main Street, Klamath Falls, OR 97601, 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 of the said trust deed, together with any interest which the grantor or 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 certain persons referred to in the Oregon Revised Statutes have the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had no default occurred) together with costs, trustee's and attorney's fees at any time prior to five days before the date of said sale, provided that all other defaults referred to above are cured by then.

The original sale proceedings were stayed by the U. S. Bankruptcy Court on June 1, 1998. Non-judicial relief from the stay granted July 31, 1998.

DATED this 21<sup>st</sup> day of August, 1998.

DAVIS, GILSTRAP, HEARN & SHAW  
A Professional Corporation

JACK DAVIS, Successor Trustee

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of AmeriTitle the 1st day  
of Oct A.D., 19 98 at 10:58 o'clock A M., and duly recorded in Vol. M98  
of Mortgages on Page 36176

FEE \$20.00

By Bernetha G. Letsch, County Clerk

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