

ATC 04047678

## AFFIDAVIT OF MAILING

STATE OF OREGON )

COUNTY OF JACKSON )

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:

Melzia M. Bigby  
1011 Dayton  
Klamath Falls, OR 97603

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

Mission Hills Mortgage Co.  
1403 Tustin Ave, Ste 280  
Santa Ana, CA 92705

Washington Water Power Co.  
580 Business Park Drive  
Medford, OR 97501

AFFIDAVIT OF  
MAILING Page 1

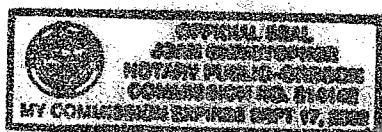
After Recording  
Return to:


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

1 OCCUPANTS  
2 4220 Frieda Street  
3 Klamath Falls, OR 97603  
4

5   
6 JACK DAVIS, Trustee

7 ~~Step~~ SUBSCRIBED AND SWORN to before me on this 29<sup>th</sup> day of  
8 August, 1998.



11   
12 Notary Public for Oregon  
13 My Commission Expires: 9/17/02  
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## 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, as grantor, to Aspen Title & Escrow, Inc., as trustee, to secure certain obligations in favor of Vernon G. Ludwig and Ofelia Ludwig, husband and wife, as beneficiary, dated October 28, 1996, and recorded in Volume M-96, Page 34195 of the Official Records of Klamath County, Oregon, on October 30, 1996, covering the following described real property, to wit:

The East 75 feet of the West 171 feet of Lot 8, EMPIRE TRACTS, in the County of Klamath, State of 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 \$176.00 per month, beginning with the installment due January 29, 1998, and monthly installments in the same amount due the 29th 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:

\$17,600.00, together with interest thereon at the rate of 12% per annum from December 29, 1997, until paid, plus a late fee of 5% of any payment amount not received 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 in Volume M-98, Page 16494 of the Official Records of Klamath County, State of Oregon. Said Notice of Default and Election to Sell was recorded May 14, 1998.

LAW OFFICES OF  
DAVIS, GILSTAP, HEARN & SHAW

A Professional Corporation

515 EAST MAIN STREET

ASHLAND, OREGON 97520

(541) 432-3111 FAX (541) 438-4455

AMENDED TRUSTEE'S NOTICE  
OF SALE

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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 10:15 o'clock a.m., Pacific Daylight Time as established by Section 187.110, Oregon Revised Statutes, at Aspen Title & Escrow, 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 stay was granted by the Trustee on July 31, 1998.

DATED this 21st day of August, 1998.

DAVIS, GILSTRAP, HEARN & SHAW  
A Professional Corporation

  
\_\_\_\_\_  
JACK DAVIS, Successor Trustee



# Affidavit of Publication

## STATE OF OREGON, COUNTY OF KLAMATH

I, Larry Wells, Office Manager,  
being first duly sworn, depose and say  
that I am the principal clerk of the  
publisher of the Herald and News  
a newspaper in general circulation, as  
defined by Chapter 193 ORS, printed and  
published at Klamath Falls in the  
aforesaid county and state; that the  
LEGAL #1635

AMENDED.....

a printed copy of which is hereto annexed,  
was published in the entire issue of said  
newspaper for FOUR

( 4 ) insertion(s) in the following issues:

AUGUST 28

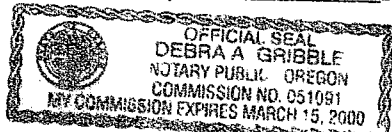
SEPTEMBER 4/11/18, 1998

Total Cost: \$520.00

Subscribed and sworn before me this 18TH  
day of SEPTEMBER 1998

Debra A. Gribble  
Notary Public of Oregon

My commission expires 3-15 2000



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 1st day  
of October A.D., 1998 at 3:32 o'clock P. M., and duly recorded in Vol. M98  
of Mortgages on Page 36248

FEE \$30.00

By Bernetha G. Letsch, County Clerk

NOTICE: A notice of any to above was given by  
of said notice, received within 15 days. The original sale  
made in that certain trustee's fees, after stayed by said  
trust deed made, was filed in the Klamath County Court on  
June 1, 1998, foreclosing said trust deed. The court on  
June 1, 1998, ordered that the beneficiary relief from said  
trust deed be granted, and any sums due, June 1, 1998, be paid  
to Aspen Title & Escrow, pursuant to the terms granted by the  
trust deed, and the trust deed.  
DATED this 24th day of August, 1998.  
To secure certain A notice of delay of August, 1998,  
obligations in favor of said election to sell DAVIS GILSTRAP,  
Verdon G. Davis and his wife, was HEARN & SHAW  
Ore. Lumber, husband and wife, recorded in Vol. A Professional  
and wife, as Beneficiary, June, M-98, Page 194 Corporation  
ary, dated October 28, of the Official Record, JACK DAVIS, Trustee  
1998, and recorded in the Klamath County, Successor Trustee  
Volume M-98, Page State of Oregon, said 135 August 28  
24192 of the Official Notice of said sale, and September 4, 11, 18,  
Records of Klamath County, Oregon, said 1998, said 1998,  
County, Oregon, on record, May 11, 1998,  
October 30, 1998, cover, W.H. R. B. F. R. E.  
the following described NOTICE: HE EBY IS  
real property, to wit: GIVEN that he under  
The East 175 feet of the 7th day of October  
of the West 175 feet of the 7th day of October  
Lot 25, 1/2 EA 1998, of the hour of  
THAT IN the county 10:15 a.m., Pa.  
of Klamath, State of Ore. Daylight Time at  
Oregon, said 1998, said 1998, said 1998,  
both the beneficiary 187 of Oregon Revised  
ary, and the trustee States, at Aspen Title  
have elected to sell the Escrow, 525 Main  
said real property, to wit: Klamath Falls  
satisfy the obligations OR 57401, sell at public  
secured by said trust deed to the highest  
bidder, and to enclose bidder for cash the  
said trust deed by ad. forest in the said de-  
velopment and sale of said real property  
The default for which the grantor had  
the foreclosure is made or had power to convey  
the grantor's failure to at the time of the exe-  
pay when due the full amount of the said trust  
loan, sums owing on deed, together with any  
said obligations, which in the grantor's  
sums are now past due, or such sums in in-  
owing and delinquent, interest accrued after  
Monthly installments, the execution of said  
ments of \$126.00 per month, to satisfy  
month, beginning with the foregoing obliga-  
tion installment, said 1998, said 1998, said 1998,  
January 29, 1998, said 1998, said 1998,  
monthly installments in cash, said 1998, said 1998,  
the same amount due in cash, said 1998, said 1998,  
the 29th day of each month, said 1998, said 1998,  
month thereafter, said 1998, said 1998, said 1998,  
By reason of said persons referred to  
default, and in the Oregon Revised  
failure to pay said Statutes have the right  
quent property taxes, to have the foreclosure  
any, the beneficiary has proceeded to dismiss  
declared the entire un- and the trust deed rein-  
paid balance of all obligations by payment of  
of said secured by said the entire amount due  
said deed, together with such por-  
tion of the interest thereon of said principal as  
on, immediately due, would not then be due  
owing and payable, said 1998, said 1998, said 1998,  
sums being the following: said 1998, said 1998, said 1998,  
ing to wit: costs, trustee's and at  
\$17,600.00, together with the fees of ad-  
er with interest, the entire time prior to five days  
at the rate of 12% per annum, the date of said  
amount from December 1, 1998, until paid in full, said 1998,  
said 1998, said 1998, said 1998, said 1998, said 1998,