

ATC 04047680

## AFFIDAVIT OF MAILING

STATE OF OREGON )

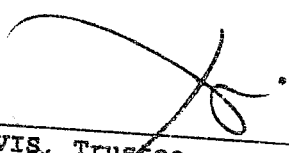
COUNTY OF JACKSON )

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:

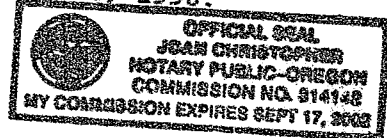
Rodney D. Miller and  
Kelly A. Miller  
8212 Teal Drive  
Bonanza, OR 97623


Becky Hickey  
7576 N. Mona Lisa, #13103  
Tucson, AR 85741

OCCUPANTS  
1435 Dayton Street  
Klamath Falls, OR 97601

  
JACK DAVIS, Trustee

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



  
Joan Christopher  
Notary Public for Oregon  
My Commission Expires: 9/17/02

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) 488-4455

## 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 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 March 4, 1996, and recorded in Volume M-96, Page 7263 of the Official Records of Klamath County, Oregon, on March 18, 1996, covering the following described real property, to wit:

The W 1/2 of Lot 14, Block 2, BRYANT TRACTS NO. 2, 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 \$208.54 per month, beginning with the installment due February 7, 1998, and monthly installments in the same amount due the 7th 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:

\$17,875.00, together with interest thereon at the rate of 14% per annum from January 5, 1998, 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 16486 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, GILSTRAP, HEARN & SHAW  
A Professional Corporation  
515 EAST MAIN STREET  
ASHLAND, OREGON 97520  
(541) 482-3111 FAX (541) 488-4455

WHEREFORE, NOTICE HEREBY IS GIVEN that the undersigned trustee will on the 19th day of October, 1998, at the hour of 11:00 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 21<sup>st</sup> day of August, 1998.

DAVIS, GILSTRAP, HEARN & SHAW  
A Professional Corporation

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

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

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

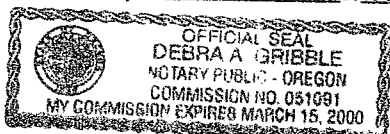
SEPTEMBER 4/11/18, 1998

Total Cost: \$520.00

Subscribed and sworn before me this 18TH

day of SEPTEMBER 1998

Notary Public of Oregon

My commission expires 3-15 20 00

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 1st day  
of October A.D., 19 98 at 3:32 o'clock P. M., and duly recorded in Vol. M98,  
of Mortgages on Page 36253

FEE \$25.00

By Kathleen Rose Bernetha J. Letsch, County Clerk

1998, until paid, plus a other defaults referred  
 late fee of 2% of any or above are cured by  
 payment, anyone not  
 received within 10 days  
 of its due date, plus  
 10% of the balance due  
 after 10 days after  
 any fees, foreclosure  
 costs and any sums ad-  
 vanced by the benefici-  
 ary, pursuant to the  
 terms of said trust.  
 Aspen Title & Escrow,  
 Inc., the trustee, to se-  
 cure certain obligations  
 in favor of Vernor and  
 Ludivig and Corla, the  
 wife and husband of  
 Wayne Eugene, who  
 is beneficiary, dated  
 March 4, 1993, and of  
 Klamath County  
 recorded in Volume M-  
 State of Oregon, said  
 94, Page 723 of the Of-  
 ficial Records of Klamath  
 County, Oregon, recorded  
 May 14, 1993, on March 18, 1993, covering the following:  
 1. The V-142 of Lot 19 of the 19th day of October,  
 14, Block 2, BRYANT 1998, at the hour of  
 TRACTS 10-2, in the 12:00 o'clock a.m., Pa-  
 County of Klamath, Pacific Daylight Time as  
 State of Oregon.  
 Both the beneficiary, 187.110, Oregon Revised  
 and the trustee, Aspen Title & Escrow, 525 Main  
 said real property to Street, Klamath Falls,  
 satisfy the obligation, OR 97601, sell at public  
 secured by said trust deed, to the highest  
 deed and to foreclose bidder for cash the in-  
 said trust deed by ad- fees in the said de-  
 velopment and sale; the said real property  
 The default for which the grantor had  
 the foreclosure is made of had power to convey  
 is grantor's failure to at the time of the ex-  
 pay when due the re- cution of the said trust  
 owing sums owing on deed, together with any  
 said obligations, which interest which the gran-  
 sums are now past due for or successors in in-  
 owing and delinquent; interest acquired after  
 Monthly install- the execution of said  
 ments of \$300.00 per trust deed, to satisfy  
 month, beginning with the foregoing obliga-  
 the installment due Fe- tions thereby secured  
 brary 7, 1998, and said the costs and ex-  
 monthly installments in penses of sale, includ-  
 the same amount due, in a reasonable charge  
 the 7th day of each by the trustee. Notice is  
 month thereafter.  
 By reason of said main persons referred to  
 default, and grantor's in the Oregon Revised  
 failure to pay def- Statutes have the right  
 quit property taxes, to have the foreclosure  
 any the beneficiary has proceeding dismissed  
 declared the entire un- and the trust deed rein-  
 paid balance of all obli- stated by payment of  
 gations secured by said the entire amount due  
 trust deed, together with other than such por-  
 with the interest there- tion of said principal as  
 on, immediately due, would not then be due  
 owing and payable, said had no default oc-  
 curred, the follow- costs, trustee's and at-  
 ing to wit: \$17,275.00, together with fees at any  
 or with interest there- time prior to five days  
 at the end of the 10 days before the date of said  
 default, from January 1, 1998, provided that all