

ATC 041047681

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:

OCCUPANTS

927 Addison Street
Klamath Falls, 97603

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

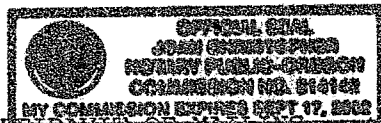
James M. Edwards
1111 Main Street
Klamath Falls, OR 97601

JACK DAVIS, Trustee

SUBSCRIBED AND SWORN to before me on this 27th day of Sept. 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) 438-4455

After Recording
Return to:

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 February 10, 1997, and recorded in Volume M-97, Page 4839 of the Official Records of Klamath County, Oregon, on February 18, 1997, covering the following described real property, to wit:

See Exhibit "A" attached.

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 \$206.00 per month, beginning with the installment due January 18, 1998, and monthly installments in the same amount due the 18th 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:

\$20,600.00, together with interest thereon at the rate of 12% per annum from December 21, 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 16480 of the Official Records of Klamath County, State of Oregon. Said Notice of Default and Election to Sell was recorded May 14, 1998.

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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 10:45 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 the stay was granted July 31, 1998.

DATED this 21st day of August, 1998.

DAVIS, GILSTRAP, HEARN & SHAW
A Professional Corporation

JACK DAVIS, Successor Trustee

PARCEL 1:

A portion of Lots 1, 13 and 14, Block 76, BUENA VISTA ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the Southeasterly line of Lot 14, Block 76, BUENA VISTA ADDITION TO THE CITY OF KLAMATH FALLS, which is North 55 degrees 38' East, 143 feet from the most Southerly corner of said lot; thence North 35 degrees 11' West, 66.45 feet; thence South 47 degrees 32' West, 11.6 feet; thence South 45 degrees 38' East, 1.79 feet; thence South 41 degrees 27' West, 29.85 feet; thence North 66 degrees 23' West, 19.63 feet to a point on the line between Lots 13 and 14 of said Block 76, which is North 48 degrees 10' East, 98 feet from the common corner of said Lots 13 and 14 on the Northeasterly line of Oregon Avenue; thence North 43 degrees 19' West, 38.6 feet, thence North 45 degrees 35' West, 30 feet, (the last two courses being chords of a curve parallel to Oregon Avenue), to a point on the line between Lots 12 and 13 of said Block 76, which is North 43 degrees 10' East, 98 feet from the common corner of said Lots 12 and 13 on the Northeasterly line of Oregon Avenue; thence North 43 degrees 10' East, 44.6 feet, along the line between said Lots 12 and 13, to the common corner of said Lots on the Southwesterly line of Lot 4 of said Block 76; thence South 51 degrees 42' East, 18.53 feet, along the line between said Lots 4 and 13, to the most Southerly corner of said Lot 4; which point is also, the most Westerly corner of Lot 1 of said Block; thence North 43 degrees 28' East, 34.93 feet, along the line between said Lots 1 and 4, to the most Northerly corner of said Lot 1, which point is also, the most Westerly corner of Lot 2 of said Block; thence South 46 degrees 32' East, 19 feet, along the line between said Lots 1 and 2; thence South 4 degrees 20' East, 28.5 feet; thence South 33 degrees 59' East, 78.1 feet; thence South 34 degrees 38' East, 18.8 feet, to a point on the Southeasterly line of said Lot 14, which is North 55 degrees 38' East, 153.5 feet from the most Southerly corner of said Lot 14; thence South 55 degrees 38' West, 10.5 feet, along the Southeasterly line of said Lot 14, to the point of beginning.

PARCEL 2:

A portion of Lots 1 and 14, Block 76, BUENA VISTA ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the Southeasterly line of Lot 14, Block 76, BUENA VISTA ADDITION TO THE CITY OF KLAMATH FALLS, which is North 55 degrees 38' East, 153.5 feet from the most Southerly corner of said lot; thence North 55 degrees 38' East, 39.48 feet, along the Southeasterly line of Lot 14 and 1 of said Block 76, to the most Easterly corner of said Lot 1, which point is also the most Southerly corner of Lot 2 of said block, thence North 46 degrees 32' West, along the line between said Lots 1 and 2, to a point which is 19 feet from the most Northerly corner of said Lot 1; thence South 4 degrees 20' East, 28.5 feet; thence South 33 degrees 59' East, 78.1 feet; thence South 34 degrees 38' East, 18.8 feet to the point of beginning.

CODE 1 MAP 3809-29BD TL 5700

STATE OF OREGON,
COUNTY OF KLAMATH

LEGAL #1636

AMENDED

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

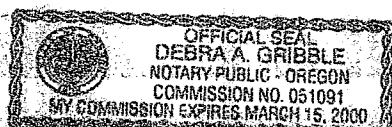
AUGUST 28

SEPTEMBER 4/11/18, 1998

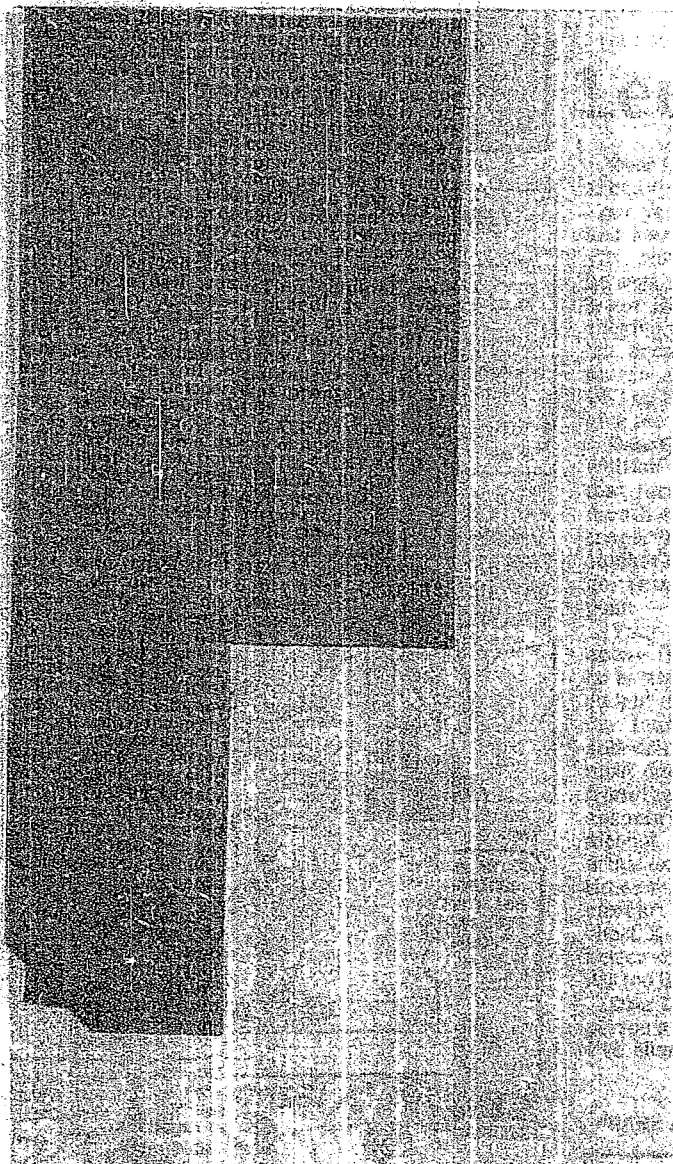
Total Cost: \$936.00

Subscribed and sworn before me this 18TH
day of SEPTEMBER 19 98

Debra A. Strubbe
Notary Public of Oregon

My commission expires 3-15 2000[illegible]

36267



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 36261.

FEE \$40.00

By Bernetha G. Letsch, County Clerk
Kardum Ross