

73186 NEW AMENDED TRUSTEE'S NOTICE OF SALE Vol. 192 Page 1215

Reference is made to that certain trust deed made by SHARON K. BROCK

MOUNTAIN TITLE COMPANY OF Klamath County, as grantor, to FRED A. SMELCER, as trustee, in favor of FRED A. SMELCER, as beneficiary.

Dated OCTOBER 15, 1991, recorded OCTOBER 19, 1991, in the mortgage records of Klamath County, Oregon, in book and/or page No. 1891 at page 21806.

and/or as fee/file/instrument/microfilm/recording No. 35748 (indicates which), covering the following described real property situated in said county and state, to-wit:

"Lots 1 through 7, inclusive Block 46, BONE ADDITION TO BOLLANZA, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon."

by assignment of Trust Deed dated 9-8-92 and recorded December 3, 1992 at Vol. 192, page 23662, the beneficiary's interest was assigned to Saint Barnabas Episcopal Church

by Appointment of Successor Trustee dated 7-2-98 and recorded July 8, 1998 at Vol. 198, Page 24104, Neil G. Buchanan, Attorney at Law, was appointed successor trustee

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

1) arrearages in the making of scheduled payments totalling \$7,550 (an amount in excess of the remaining unpaid balance); the first of such missed payments being the payment due 5-15-93; 2) real property taxes for the tax years 1994-95 and thereafter paid by the beneficiary to date in the sum of \$621.94

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed to be immediately due and payable, said sums being the following, to-wit:

\$6329.36 plus interest at the rate of 3% per annum from 11-10-97 until paid; plus costs and expenses of the trustee pursuant to the terms of the Trust Deed

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on JANUARY 19, 1999, at the hour of 1:00 o'clock P. M., in accord with the standard of time established by ORS 187.110, at 435 Oak Avenue, Klamath Falls, Oregon. In the City of Klamath Falls, County of Klamath, State of Oregon; however, subsequent to the recording of said Notice of Default the original sale proceedings were stayed by order of the court or by proceedings under the National Bankruptcy Act or for other lawful reason. The beneficiary did not participate in obtaining such stay. Said stay was terminated on September 29, 1998.

WHEREFORE, notice hereby is given that the undersigned trustee will on JANUARY 19, 1999, at the hour of 1:00 o'clock P. M., in accord with the standard of time established by ORS 187.110 at 435 Oak Avenue

in the City of Klamath Falls, County of Klamath, State of Oregon, (which is the new date, time and place set for said sale) 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 by grantor of the said trust deed, together with any interest which the grantor or grantor's 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 any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure 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) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED NOVEMBER 16, 1998

Neil G. Buchanan
NEIL G. BUCHANAN

Successor Trustee

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale as amended.

Attorney for said Trustee

NOTICE TO BE
AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE

Trust created from
SHARON L. BROWN

To
MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY
AS SUCCESSOR

Trustee
Name (last, first, middle initial)
Address (24)
NEAL G. BUCHANAN
KELDAK AVE
KLAMATH FALLS, OR 97601

NOT RECORDED
FOR
RECORD PURPOSES

STATE OF OREGON

County of _____

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/instrument/microfilm/recording No. _____ Records of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____ Deputy

STATE OF OREGON, County of (Klamath) ss:
I, NEAL G. BUCHANAN,

being first duly sworn, depose, and say that: At all times hereinafter mentioned, I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years, and not the beneficiary or the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in the notice of sale.

I gave notice of the sale of the real property described in the attached trustee's Notice of Sale by mailing copies thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

NAME

ADDRESS

SHARON L. BROWN

P.O. Box 71
Bonanza, Oregon 97623

SOUTHERN OREGON CREDIT SERVICE, INC.

P.O. Box 4070
Medford, Oregon 97531

HURLEY STATE BANK/FRED MEYER

P.O. Box 7024
Sioux Falls, SD 57117-7024

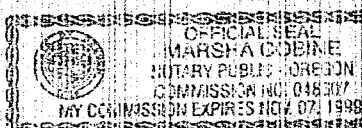
DERRICK E. MC GAVIC

941 W. 3rd
Eugene, Oregon 97440

These persons include (a) the grantor or the trust deed; (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice; (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed, if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest; and (d) any person requesting notice as set forth in ORS 86.785.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by _____, attorney for the trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at _____ Klamath Falls _____, Oregon, on _____ November _____, 1998. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

As used herein, the singular includes the plural, "trustee" includes a single trustee, and "person" includes a corporation and any other legal or commercial entity.



NEAL G. BUCHANAN

Subscribed and sworn to before me on _____ November 16 _____, 1998

Notary Public for Oregon
My commission expires _____ 11-7-99

AFFIDAVIT OF MAILING THIRD AMENDED TRUSTEE'S NOTICE OF SALE - PAGE 2

Name

BOYD C. VADEN, TRUSTEE

U.S. BANKRUPTCY TRUSTEE

Address

P.O. Box 606
 Camath Falls, Oregon 97601

11 E. 14th Ave., Rm. 205
 Eugene, Oregon 97401

Affidavit of Publication

1715

STATE OF OREGON, COUNTY OF KLAMATH

I, Larry L. Wells, Business 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

P2-27
19 LEGAL #1830

JUN THIRD AMENDED TRUSTEE'S NOTICE...

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:

NOVEMBER 22/29

DECEMBER 5/13, 1998

Total Cost: \$689.00

Larry L. Wells

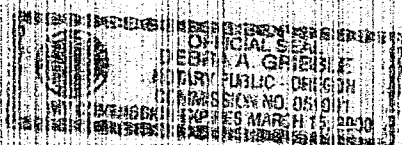
Subscribed and sworn before me this 13TH

day of DECEMBER 1998

Debra A. Subbe

Notary Public of Oregon

My commission expires 3-15 2000



IN THE COUNTY OF KLAMATH:

Filed for record at request of Neal C. Buchanan the 19th day
of January A.D. 1999 at 2:17 o'clock P.M. and duly recorded in Vol. 1715
of Mortgages on Page 1715

Linda Smith, County Clerk

by *Kathleen Rose*

FEE \$25.00