

1999 NOV 22 AM 11:34

MTC 46048

AMENDED TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Monica F. Dawson, as estate in fee simple, as grantor, to Lucy E. Kivel, Esq., as trustee, in favor of TMS Mortgage Inc., dba The Money Store, as beneficiary, dated 12/09/97, recorded 12/18/97, in the mortgage records of Klamath County, Oregon, in Volume M97, Page 41118, and subsequently assigned to The Bank of New York as Trustee under Pooling and Servicing Agreement dated as of November 30, 1997, Series 1997-D by Assignment recorded as Volume M98, Page 40186, covering the following described real property situated in said county and state, to wit:

Lot 3, Block 12, Tract No. 1064, First Addition to Gatewood, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

PROPERTY ADDRESS: 5444 Sherwood Drive Klamath Falls, OR 97603

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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: monthly payments of \$933.03 beginning 10/01/98; plus late charges of \$46.65 each month beginning 10/16/98; plus prior accrued late charges of \$0.00; plus advances of \$4,111.21; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$101,623.02 with interest thereon at the rate of 10.50 percent per annum beginning 09/01/98; plus late charges of \$46.65 each month beginning 10/16/98 until paid; plus prior accrued late charges of \$0.00; plus advances of \$4,111.21; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.


The Notice of Default and original Notice of Sale given pursuant thereto stated the property would be sold on Friday, March 5, 1999, at the hour of 10:00 o'clock A.M., in accord with the standard of time established by ORS 187.110, at the following place: inside the 2nd floor lobby of the Klamath County Courthouse, 317 South 7th Street, in the City of Klamath Falls, County of Klamath, State of Oregon; However, subsequent to the recording of said Notice of Default the original proceedings were stayed by order of the court or by proceedings filed under the U.S. Bankruptcy Code or for other lawful reason. Said stay was terminated on October 15, 1999.

WHEREFORE, notice hereby is given that the undersigned trustee will on 12/10/99 at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at the following place: inside the 2nd floor lobby of the Klamath County Courthouse, 317 South 7th Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 11/9, 1999


David E. Fennell -- Trustee

For further information, please contact:

Vonnie Nave
ROUTH CRABTREE & FENNELL
PO Box 4143
Bellevue, WA 98009-4143
(425) 586-1900

State of Washington, County of King ss:

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

David E. Fennell -- Trustee

AMENDED TRUSTEE'S NOTICE OF SALE	
RE: Trust Deed from Monica F. Dawson, as estate in fee simple Grantor	
to DAVID E. FENNELL Trustee	
	File No. 7152.20179

After recording return to:

ROUTH CRABTREE & FENNELL
Attn: Vonnie Nave
PO Box 4143
Bellevue, WA 98009-4143

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE

46312

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

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

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy 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 address, to-wit:

Name	Address
Monica F. Dawson 5444 Sherwood Drive Klamath Falls, OR 97603	Theodore R. Kulongoski Attorney General, State of Oregon 1162 Court Street Northeast Salem, OR 97310
Klamath County Tax Collector 403 Pine Street, Suite 300 Klamath Falls, OR 97601	Carter Jones Collections, LLC c/o Kent Pederson, Reg. Agent 11143 Pine Street Klamath Falls, OR 97601
Douglas V. Osborne, Attorney at Law 439 Pine Street Klamath Falls, OR 97601	Ronald R. Sticka, Trustee P.O. Box 10990 Eugene, OR 97440

Said persons include (a) the grantor in 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 required by ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by DAVID E. FENNELL, attorney for the trustee named in said notice, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 11-12-99. 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 and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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

Subscribed and sworn to before me on 11-12, 1999, by Juan Sanchez

JULIETH DONATO
STATE OF WASHINGTON
NOTARY---PUBLIC
MY COMMISSION EXPIRES 3-17-03

Julieth Donato
Notary Public for Washington
Residing at Bellevue
My commission expires: 3-17-03

46313

**AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF
SALE**

**RE: Trust Deed from
Monica F. Davison, as estate in fee simple
Grantor**

**to
DAVID E. FENNELL
Trustee**

File No. 715220179

After recording return to:

**ROUTH CRABTREE & FENNELL
Attn: Vonnie Nave
PO Box 4143
Bellevue, WA 98009-4143**

ROUTH CRABTREE & FENNELL

A Professional Corporation

46314

PO Box 4143

Bellevue, Washington 98009-4143

Telephone (425) 586-1900 Facsimile (425) 586-1997

November 12, 1999

7152.20179/Dawson, Monica F.

All Occupants

5444 Sherwood Drive

Klamath Falls, OR 97603

RE: The Money Store 85127660

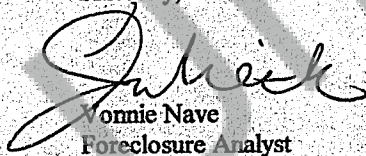
RCF No.:7152.20179

Occupants:

Please be advised that the property in the above-referenced matter is scheduled to be sold at a Trustee's Sale on 12/10/99. According to ORS 86.755(5) the property must be vacated on or before the tenth day, 12/20/99, following the date of sale. Please vacate the property on or before that date.

If you have any questions, please contact an attorney.

Sincerely,

For 
Vonnie Nave
Foreclosure Analyst

State of Oregon, County of Klamath
Recorded 11/22/99, at 11:34 a.m.
In Vol. M99 Page 46310
Linda Smith,
County Clerk Fee \$ 30⁰⁰