

AFTER RECORDING RETURN TO:  
Shapiro & Kreisman  
Kelly D. Sutherland, Successor Trustee  
201 NE Park Plaza Drive, #150  
Vancouver, WA 98684  
98-13228

**AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE**  
(After Release From Stay)

STATE OF WASHINGTON, County of Clark, ss:

I, Kelly D. Sutherland, being first duly sworn, depose, and say and certify that: At all times hereinafter mention 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 his successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of the sale of the real property described in the attached Amended Trustee's Notice of Sale by mailing a copy thereof by registered or certified mail to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

William S Anderson III  
6757 Henley Road  
Klamath Falls, OR 97603

Tessie B Ronningen  
6757 Henley Road  
Klamath Falls, OR 97603

Kenneth S Ronningen, Jr.  
42265 Royal Coachman Drive  
Chiloquin, OR 97624

William S Anderson III  
14620 S.W. Farmington Road, #10  
Beaverton, OR 97007

Tessie B Ronningen  
2909 N.E. 57th Avenue, #41  
Vancouver, WA 98661-6791

Oregon State Dept. of Justice  
 Support Enforcement Division  
 PO Box 14506  
 Salem, OR 97309

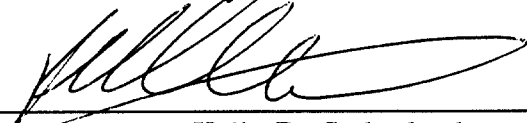
Alan R Unkeles  
 Attorney at Law  
 P.O. Box 5337  
 Aloha, OR 97005

Rick A Yarnall  
 Chapter 13 Trustee  
 1300 SW 5th, #1700  
 Portland, OR 97201

Said Amended Trustee's Notice of Sale was given in compliance with ORS 86.755(6), within 30 days after release from a stay of the foreclosure proceedings, and the above named persons listed in ORS 86.740 and ORS 86.750(1).

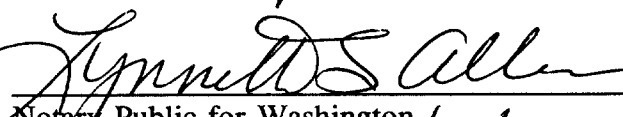
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Kelly D. Sutherland, an attorney, each such copy was contained in a sealed envelope, with postage thereof fully prepaid, and was deposited by me in the United States post office at Vancouver, Washington, on April 28, 2000, which was within 30 days after release from a stay of the foreclosure proceeding set forth therein.

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



Kelly, D. Sutherland

Subscribed and sworn to before me this 28<sup>th</sup> day of April, 2000.

Notary Public for Washington  
 My Commission Expires 11/29/03

Loan #: 0001679612

AFTER RECORDING RETURN TO:  
Shapiro & Kreisman  
Kelly D. Sutherland, Successor Trustee  
201 NE Park Plaza Drive, #150  
Vancouver, WA 98684  
98-13228

## **AMENDED TRUSTEE'S NOTICE OF SALE**

(After Release From Stay)

Reference is made to that certain trust deed made by William S. Anderson III and Tessie B. Ronningen, as Tenants in Common, as grantor to Amerititle, as trustee, in favor of America First Funding, Inc., an Oregon Corporation, as beneficiary, dated December 8, 1997, recorded December 22, 1997, in the mortgage records of Klamath County, Oregon in Vol M97, at Page 41574, Instrument/Reception/Recorder's Fee No. 50500, beneficial interest having been assigned to IMC Mortgage Company, fka Industry Mortgage Company, L.P., covering the described real property in said county and state, to-wit:

See complete Legal Description attached hereto as "Exhibit A"

Commonly Known as: 6757 Henley Road, Klamath Falls, OR 97603

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:

Monthly payments in the sum of \$742.23 from September 22, 1998, and monthly payments in the sum of \$859.75 from January 22, 2000, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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

\$77,799.46, together with interest thereon at the rate of 10.99% per annum from July 22, 1998 together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on June 23, 1999, at 11:00 AM, in accord with the standard of time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 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 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 April 10, 2000.

WHEREFORE, notice hereby is given that the undersigned trustee will on June 7, 2000 at 11:00 AM, in accord with the standard of time established by ORS 187.110 at the main entrance of the Klamath County Courthouse, located at 317 South 7th Street, in the City of Klamath Falls, County of Klamath, State of Oregon, (which is the new date, time and place set for sale) sell at public auction to the highest bidder foreclose the interest in the said described real property which the grantor has or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his 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 reinstate by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then to 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 amount provided by said ORS 86.753.

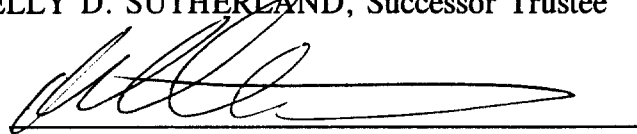
In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the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

KELLY D. SUTHERLAND, Successor Trustee

Dated

4/28/00

By



The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose.

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

## EXHIBIT "A"

Beginning at a point in the old existing fence generally accepted as the south line of Section 24, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, from which the monument marking the Southeast corner of Section 24, Township 39 South, Range 9 East of the Willamette Meridian, bears North 89 degrees 16' 50" East 1899.6 feet distant; thence continuing along said generally accepted fence South 89 degrees 16' 50" West 674.9 feet; thence North 0 degrees 12' 50" West 150.0 feet; thence North 89 degrees 16' 50" East 674.9 feet; thence South 0 degrees 12' 50" East 150.0 feet to the point of beginning.

CODE 198 MAP 3909-2400 TL 1000

Alan R. Unkeles, OSB #77-377  
 PO Box 5337  
 Aloha, OR 97006  
 (503) 649-5607

RECEIVED

APR 11 2000

BY: \_\_\_\_\_

RECEIVED

MAR 7 0 2000

BY: \_\_\_\_\_

CLERK U.S. BANKRUPTCY COURT  
DISTRICT OF OREGON

APR 10 2000

 LODGED \_\_\_\_\_ RECD \_\_\_\_\_  
 PAID \_\_\_\_\_ DOCKETED \_\_\_\_\_

 UNITED STATES BANKRUPTCY COURT  
 FOR THE DISTRICT OF OREGON

In re  
 WILLIAM D. ANDERSON III

 Case No. 399-35860-<sup>tmb</sup>elp13

 ORDER ALLOWING RELIEF  
 FROM STAY

DEBTOR(S)

Upon the stipulation of the debtor William D. Anderson, III and IMC Mortgage Company ("IMC") and the chapter 13 trustee, IT IS HEREBY ORDERED, that IMC is granted relief from the automatic stay to proceed on its interest in the promissory note and deed of trust signed by the debtor and Tessie Ronnigen as grantors encumbering the real property described in Exhibit A attached.

IT IS FURTHER ORDERED that the chapter 13 trustee shall terminate payment to IMC under paragraph 2(b)(1) for the accrued arrearage on its secured claim.

*[Signature]*  
 Bankruptcy Judge

Presented by

*[Signature]*  
 Alan R. Unkeles OSB # 77377, debtor's attorney

*[Signature]*  
 Kelly D. Sutherland OSB #87357 for IMC

*[Signature]*  
 Rick A. Yarnall Chapter 13 trustee

By: M.S. Fisher

cc: debtor, Alan R. Unkeles, Kelly D. Sutherland, Chapter 13 trustee

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CODE 198 MAP 3909-2400 TL 1000

Commonly Know as 6757 Henley Road, Klamath Fall, OR 97063

State of Oregon, County of Klamath  
Recorded 05/03/00, at 3:12 p m.  
In Vol. M00 Page 15962  
**Linda Smith,**  
County Clerk Fee\$ 5.00