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## AMENDED TRUSTEE'S NOTICE OF SALE (after release from stay)

Reference is made to that certain trust deed made by Richard H. Hawks and Jamie A. Hawks,  
 husband and wife \_\_\_\_\_, as grantor, to  
 Mountain Title Company of Klamath County now known as AmeriTitle \_\_\_\_\_, as trustee,  
 in favor of Trustees of the EDNA L. GAVIN FAMILY TRUST AGREEMENT dated 12/10/91 \_\_\_\_\_, as beneficiary,  
 dated September 1, \_\_\_\_\_, 19 93, recorded September 2, \_\_\_\_\_, 19 93, in the mortgage records of  
 Klamath \_\_\_\_\_ County, Oregon, in book/reel/volume No. M93 \_\_\_\_\_ at page 22367  
 and/or as fee/file/instrument/microfilm/reception No. 67393 \_\_\_\_\_ (indicate which), covering the following described  
 real property situated in said county and state, to-wit:

Lot 46 in Block 20 of KLAMATH FALLS FOREST ESTATES HIGHWAY 66 UNIT,  
 PLAT NO. 1, according to the official plat on file in the office of  
 the County Clerk of Klamath County, Oregon, and 1981 EMBAS 2U MOBILE  
 HOME situate on the real property described herein.

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 de-  
 fault for which the foreclosure is made is grantor's failure to pay when due the following sums:

See attached Exhibit "A"

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:

See attached Exhibit "B"

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be  
 sold on September 8, \_\_\_\_\_, 19 99, at the hour of 10:00 \_\_\_\_\_ o'clock A.M., in accord with the standard of  
 time established by ORS 187.110, at \_\_\_\_\_ County Government Center, 305 Main Street \_\_\_\_\_  
 in the City of \_\_\_\_\_ Klamath Falls \_\_\_\_\_, County of \_\_\_\_\_ Klamath \_\_\_\_\_, State of Oregon; however, subse-  
 quent 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 ob-  
 taining such stay. Said stay was terminated on April 24 \_\_\_\_\_, 19 2000

WHEREFORE, notice hereby is given that the undersigned trustee will on June 27 \_\_\_\_\_, 19 2000,  
 at the hour of 10:00 \_\_\_\_\_ o'clock, A. M., in accord with the standard of time established by ORS 187.110  
 at \_\_\_\_\_ County Government Center, 305 Main Street \_\_\_\_\_  
 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 reason-  
 able 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 exceed-  
 ing 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 May 19 \_\_\_\_\_, 19 2000

JERRY M. MOLATORE

Trustee

State of Oregon, County of \_\_\_\_\_ Klamath \_\_\_\_\_ ss:

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

JERRY M. MOLATORE

Attorney for said Trustee

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## EXHIBIT "A"

Monthly payments: May 30, 1998 thru April 30, 1999 at \$486.42 per month:	\$5,350.62
Monthly payments: May 1, 1999 thru September 30, 1999 at \$486.42 per month:	\$2,432.10
Monthly payments: February 1 to March 31, 2000 at \$430.00 per month:	\$ 920.00
Fire insurance:	\$ 339.75
Real property taxes 1998:	\$ 264.01
Personal property taxes 1998 (manufactured home):	\$ 174.35
Real property taxes 1999:	\$ 292.18
Personal property taxes 1999 (manufactured home):	<u>\$ 194.02</u>
TOTAL	\$9,967.03

## EXHIBIT "B"

Principal balance:	\$38,590.05
Accrued interest:	\$ 4,914.45 (thru May 19, 2000 at \$8.15 per diem)
Fire insurance:	\$ 339.75
Real property taxes:	\$ 556.19 (1998 and 1999)
Personal property taxes: (manufactured home)	\$ 368.37 (1998 and 1999)
Attorney's fees:	\$ 3,821.14 (thru May 19, 2000)
Title company expense:	\$ 261.00
Service fees:	\$ 43.00
Publication expense:	\$ 594.00
Postage:	\$ 38.52
Recording fees:	<u>\$ 85.00</u>
 TOTAL	 \$49,611.45

## AFFIDAVIT OF MAILING

STATE OF OREGON           )  
   ) ss.  
 County of Klamath        )

I, PATRICIA M. JOHNSON, depose and say:

That I mailed the Amended Trustee's Notice of Sale to the following:

By Certified Mail:     Richard H. Hawks  
                                   12759 Night Owl Drive  
                                   Bonanza, OR 97623

Jamie A. Hawks  
 12759 Night Owl Drive  
 Bonanza, OR 97623

Richard H. Hawks  
 P. O. Box 7575  
 Klamath Falls, OR 97602

Jamie A. Hawks  
 P. O. Box 7575  
 Klamath Falls, OR 97602

Jamie Aleen Denton  
 RR2 Box 312C  
 Bonanza OR 97623

CARTER JONES COLLECTION SERVICE  
 1143 Pine Street  
 Klamath Falls, OR 97601

State of Oregon, County of Klamath  
 Recorded 05/22/00, at 2:58 p.m.  
 In Vol. M00 Page 18471  
 Linda Smith,  
 County Clerk     Fee \$ 26<sup>00</sup>

by mailing to each said person a true copy thereof, certified by JERRY M. MOLATORE as such, contained in a sealed envelope, with postage paid, addressed to each said person at their last known address, and deposited in the post office at Klamath Falls, Oregon, on this 19<sup>th</sup> day of May, 2000.

Patricia M. Johnson  
 PATRICIA M. JOHNSON

SUBSCRIBED AND SWORN to before me this 19th day of May, 2000.



Marcie M. Lyman  
 Notary Public for Oregon  
 My Commission Expires: Jan 3, 2004