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Vol M01 Page 433

# AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE

(after release from stay)

STATE OF OREGON, County of...Klamath....., ss:

I, NEAL G. BUCHANAN, 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 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:

NAME	ADDRESS
Stephen D. Lee	2959 Summers Lane Klamath Falls, Oregon 97603
Beverly L. Lee	2805 Summers Lane Klamath Falls, Oregon 97603
Oregon Department of Veterans Affairs	700 Summer Street N.E. Salem, Oregon 97310-1201
Klamath County Building Department	305 Main Street Klamath Falls, Oregon 97601
Klamath Falls City Schools	1336 Avalon Klamath Falls, Oregon 97601

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 include all of those 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 Neal G. Buchanan, 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 Klamath Falls, Oregon, on December 2, 2000, xxix, 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.

NEAL G. BUCHANAN

Subscribed and sworn to before me this 9th day of December, 2000, xxix.

(SEAL)



Notary Public for Oregon.

My commission expires 11-7-03

NOTE: An original amended notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

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

(after release from stay)

Re: Trust Deed From

Stephen D. Lee and Beverly L. Lee

Grantor

to

Aspen Title &amp; Escrow, Inc.

(Neal G. Buchanan as Successor)

Trustee

AFTER RECORDING RETURN TO

NEAL G. BUCHANAN  
435 Oak Avenue  
Klamath Falls, OR 97601

(DON'T USE THIS  
SPACE; RESERVED  
FOR RECORDING  
LABEL IN COUN-  
TIES WHERE  
USED.)

STATE OF OREGON, } ss.  
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 ..... or as fee/file/instrument/microfilm/reception No. ...., Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME ..... TITLE .....  
By ..... Deputy

OC

AMENDED

INSTRUCTIONS FOR SERVICE OF TRUSTEE'S NOTICE OF SALE PURSUANT TO ORS 86.740 AND PROOF OF SERVICE-

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TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:

STATE OF OREGON

County of Klamath

ss.

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

I am the Trustee or attorney for the Trustee in the trust deed described in the attached Trustee's Notice of Sale, upon the occupant of the property described in the Notice of Sale (as amended).

You are hereby directed to serve the Trustee's Notice of Sale in the manner in which a summons is served pursuant to ORCP 7D.(2) and 7D.(3), upon the following persons:

NAME OF PERSON TO BE SERVED

ADDRESS

BEVERLY L. LEE and/or PARTIES IN POSSESSION

2805 Summers Lane  
Klamath Falls, Oregon 97603

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.

Service should be made by December 19, 2000, ~~19~~<sup>20</sup>, which is ~~120~~<sup>20</sup> days before the date fixed for the sale in the attached notice. If you have not made service by that date, but it appears that it is possible to effect service upon the above named person, persist in making service until it has been accomplished.

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

*Neal G. Buchanan*  
(Attorney for) Trustee

Subscribed and sworn to before this 8th

day of December, 2000

(SEAL)



Notary Public for Oregon

My commission expires: 11-7-03

PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

## TRUSTEE'S INSTRUCTIONS AND PROOF OF SERVICE OF TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Stephen D. Lee and Beverly L. Lee

Grantor

TO

Aspen Title &amp; Escrow, Inc.

(Neal G. Buchanan, as Successor)

Trustee

AFTER RECORDING RETURN TO

NEAL G. BUCHANAN  
435 Oak Avenue  
Klamath Falls, Oregon 97601

SPACE RESERVED  
FOR  
RECORDER'S USE

STATE OF OREGON,

County of } ss.

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 \_\_\_\_\_ or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_ Deputy

PROOF OF SERVICE  
JEFFERSON STATE ADJUSTERS

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DEC 18 2000

STATE OF OREGON  
COUNTY OF Klamath

COURT CASE NO. \_\_\_\_\_

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows:

- |   |                                    |   |                                   |                                   |
|---|------------------------------------|---|-----------------------------------|-----------------------------------|
| <input type="checkbox"/> Summons & Complaint    | <input type="checkbox"/> Summons   | <input type="checkbox"/> Small Claim                    | <input type="checkbox"/> Motion   | <input type="checkbox"/> Answer   |
| <input type="checkbox"/> Restraining Order      | <input type="checkbox"/> Judgment  | <input type="checkbox"/> Affidavit                      | <input type="checkbox"/> Petition | <input type="checkbox"/> Letter   |
| <input type="checkbox"/> Summons & Petition     | <input type="checkbox"/> Order     | <input type="checkbox"/> Decree                         | <input type="checkbox"/> Notice   | <input type="checkbox"/> Citation |
| <input type="checkbox"/> Notice of Small Claims | <input type="checkbox"/> Complaint | <input checked="" type="checkbox"/> Order to Show Cause |                                   | <input type="checkbox"/> Subpoena |

☒ Trustee's Notice of Sale (Amended)

For the within named: Occupants of 2805 Summers Lane

☒ PERSONALLY SERVED: Original or True Copy to within named, personally and in person to: Beverly Lee at the address below.

☐ SUBSTITUTE SERVICE: By delivering an Original or True Copy to \_\_\_\_\_, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: \_\_\_\_\_

☐ OFFICE SERVICE: At the office which he/she maintains for the conduct of business as shown at the address below, by leaving such true copy or Original with \_\_\_\_\_, the person who is apparently in charge.

☐ SERVICE ON CORPORATIONS, LIMITED PARTNERSHIPS OR UNINCORPORATED ASSOCIATIONS SUBJECT TO SUIT UNDER A COMMON NAME.

Upon \_\_\_\_\_, by (a) delivering such true copy personally and in person, Corporation, Limited Partnership, etc.

to: \_\_\_\_\_ who is a/the \_\_\_\_\_ thereof, or  
(b) leaving such true copy with \_\_\_\_\_, the person who is apparently in charge of the office of \_\_\_\_\_, who is a/the \_\_\_\_\_ thereof.

☐ OTHER METHOD: \_\_\_\_\_ By leaving an Original or True Copy with \_\_\_\_\_

☐ NOT FOUND: I certify that I received the within document for service on \_\_\_\_\_ and after due and diligent search and inquiry, I hereby return that I have been unable to find, the within named respondent, \_\_\_\_\_ within \_\_\_\_\_ County.

2805 Summers Lane  
ADDRESS OF SERVICE STREET  
Klamath Falls  
CITY

UNIT / APT / SPC#

Oregon  
STATE

97603  
ZIP

I further certify that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or corporation named in the action.

Dec. 14, 2000  
DATE OF SERVICE

9:45 a.m. ☒ p.m. ☐  
TIME OF SERVICE

[Signature]  
SIGNATURE  
Dave Shuck

or not found  
PRINTED IN OREGON

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

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Reference is made to that certain trust deed made by STEPHEN D. LEE and BEVERLY L. LEE, Husband and Wife, as grantors, to ASPEN TITLE & ESCROW, INC., as trustee (Neal G. Buchanan was appointed Successor Trustee by Appointment of Successor Trustee dated February 16, 2000, recorded in Vol. M00, page 6541 the 1st day of March, 2000), in favor of HIGHLAND COMMUNITY FEDERAL CREDIT UNION, as beneficiary, dated March 9, 1998, recorded March 13, 1998, in the mortgage records of Klamath County, Oregon in volume no. M98 at page 8195, or as instrument no. 54634, covering the following described real property situated in said county and state, to-wit:

See Attached Exhibit "A" for Legal Description.

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:

See Attached Exhibit "B"

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: Principal balance of \$29,021.92, together with interest on said sum at the rate of 8.5% per annum; together with all reasonable expenses incurred by the beneficiary at any time for the protection of its interest or the enforcement of its rights, including attorney's fees, trustee's fees, the cost of searching records, obtaining title reports, and the costs inherent in maintaining the property free of liens having priority over or equal to the interest of beneficiary under the Trust Deed, together with contractual late charges.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on August 16, 2000, at the hour of 1:00 o'clock P.M., in accord with the standard of time established by ORS 187.110, at the law office of Neal G. Buchanan, 435 Oak Avenue 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 by court order on November 22, 2000.

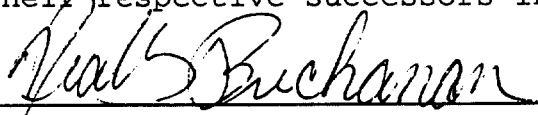
WHEREFORE, notice hereby is given that the undersigned trustee will on January 8, 2001, at the hour of 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at the law office of Neal G. Buchanan, 435 Oak Avenue, in the City of Klamath Falls, County of Klamath, State of Oregon,

**WE ARE ATTEMPTING TO COLLECT A DEBT.**  
**ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

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: December 8, 2000

  
NEAL G. BUCHANAN  
Successor Trustee

State of Oregon, County of Klamath ) ss.

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

\_\_\_\_\_  
Attorney for said Trustee

If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of party to be served.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## EXHIBIT "A"

## PARCEL 1:

A portion of the SW 1/4 SW 1/4 Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point 950 feet North of the Southwest corner of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, running East 119 feet; thence North 100 feet; thence West 119 feet; thence South 100 feet to the point of beginning.

EXCEPTING THEREFROM the Westerly 30 feet of the above described property conveyed to Klamath County for road purposes.

## PARCEL 2:

A parcel of land situated in the SW 1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the intersection of the Easterly line of Summers Lane with the South line of said Section 2; thence North 0 degrees 04' West along the Easterly line of Summers Lane a distance of 30 feet; thence South 89 degrees 32' East parallel with the South line of said Section 2 a distance of 208 feet; thence North 0 degrees 04' West parallel with the Easterly line of Summers Lane a distance of 920 feet; thence North 89 degrees 32' West parallel with the South line of said Section 2 a distance of 119 feet to a one-half inch iron pin marking the true point of beginning of this description; thence North 0 degrees 04' West parallel with the Easterly line of Summers Lane a distance of 100 feet to a one-half inch iron pin; thence South 89 degrees 32' East parallel with the South line of said Section 2 a distance of 35 feet; thence South 0 degrees 04' East parallel with the Easterly line of Summers Lane a distance of 100 feet; thence North 89 degrees 32' West parallel with the South line of said Section 2 a distance of 35 feet to the true point of beginning.

CODE 41 MAP 3909-2CC TL 2700

EXHIBIT B  
TO  
AMENDED NOTICE OF DEFAULT AND ELECTION TO SELL

a.	Amount necessary to bring payments current as of 11-20-00:	6,710.56
b.	Amount necessary to reimburse re: KID lien	661.85
c.	Amount necessary to reimburse for Trustee's Sale Guarantee	215.00
d.	Amount necessary to reimburse for payments made as required for reinstatement of ODVA loan as of August, 2000	4,574.00
e.	Amount necessary to reimburse for insurance placed on the premises	256.00
f.	Recordation fees:	134.00
g.	Late charges through 12-5-00	5,070.13
h.	Publication	891.00
i.	Attorney fees (limited by ORS 86.753, if reinstated, to)	<u>1,000.00</u>
Total:		19,512.54

State of Oregon, County of Klamath  
Recorded 01/05/01, at 10:22 a.m.  
In Vol. M01 Page 433  
**Linda Smith,**  
County Clerk Fee\$ 51<sup>00</sup>