

**AFTER RECORDING RETURN TO:**

Anderson & Monson, P.C.  
 10700 SW Beaverton-Hillsdale Hwy.  
 Suite 460  
 Beaverton, Oregon 97005

2001 JAN 10 AM 11:19

MTG 49440

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

STATE OF OREGON                    )  
   ) ss.  
 County of Washington            )

I, Richard T. Anderson, Jr., being first duly sworn, depose and say:

I am a resident of the State of Oregon, a competent person over the age of eighteen years and not the Beneficiary, or Beneficiary's successor in interest, named in the attached Amended Trustee's Notice of Sale (after release from stay).

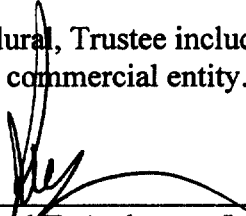
I mailed a true copy of the attached Amended Trustee's Notice of Sale (after release from stay) by both first class and certified mail with return receipt requested, to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

NAME	ADDRESS
Klamath Basin Improvement District	6640 Kid Lane Klamath Falls, Oregon 97603
Richard Fairelo	Attorney for Klamath Basin Improvement District 280 Main Street Klamath Falls, Oregon 97601
Klamath County Tax Collector	305 Main Street Klamath Falls, Oregon 97601
Reginald R. Davis	Attorney for Klamath County 305 Main Street, 2 <sup>nd</sup> Floor Klamath Falls, Oregon 97601

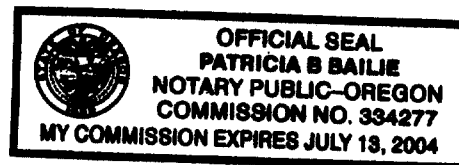
Each copy was contained in a sealed envelope, with postage prepaid, and was deposited in the United States post office at Beaverton, Oregon, on December 1, 2000. Each of the notices was mailed after the Notice of Default and Election to Sell was recorded and after release from the automatic stay was obtained.

The above-named 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.

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

  
\_\_\_\_\_  
Richard T. Anderson, Jr.

SUBSCRIBED AND SWORN TO before me this 1<sup>st</sup> day of December, 2000.

  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

clients\108\009\micka.amended.af2

# Affidavit of Publication

## STATE OF OREGON, COUNTY OF KLAMATH

I, Larry L. Wells, Business Manager,  
being first duly sworn, despose 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  
Legal#3632

Amended Trustee's Notice of Sale

Darrell A. Micka

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 27, 2000

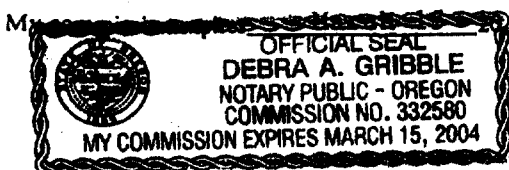
December 4, 11, 18, 2000

Total Cost: \$837.00

Subscribed and sworn before me this 18th  
day of December 20 00

*Debra A. Gribble*

Notary Public of Oregon



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

Reference is made to  
that certain trust deed  
whose parties are as  
follows (the "Trust Deed"):  
Grantor: Darrell A.  
Micka and Phyllis M.  
Micka-Tenants by the  
entirety

Trustee: AmeriTitle  
Beneficiary: American  
General Finance, Inc.  
Date: October 28, 1998  
Recording Date: Oc-  
tober 30, 1998

Recording Reference:  
Vol. M98 Page 39912  
County of Recording:  
Klamath County

The Trust Deed covers  
the following described  
real property in the  
County of Klamath and  
State of Oregon, ("the  
Property"):

LEGAL DESCRIPTION  
PARCEL 1: Beginning  
at the SW corner of NE  
1/4 SE 1/4 of Section 31,  
Township 40 South,  
Range 12 East of the  
Willamette Meridian;  
thence East 280 feet;  
thence 20 degrees  
North of East a dis-  
tance of 330 feet to the  
West side of Poe Valley  
Market Road; thence  
Northerly along the  
West side of said Poe  
Valley Market Road to  
the West line of said

NE 1/4 SE 1/4, Section  
31, Township 40 South,  
Range 12 East, Willa-  
mette Meridian; thence  
Southerly along the  
West line of said NE 1/4  
SE 1/4 in said Section,  
Township and Range to  
the point of beginning.

PARCEL 2:  
The SE 1/4 NW 1/4,  
NE 1/4 SW 1/4, and  
those portions of the  
NE 1/4 NW 1/4 SW 1/4  
NE 1/4 and NW 1/4 SE  
1/4 lying Southwesterly  
of the County Road All  
in Section 31, Township 40  
South, Range 12 East of the  
Willamette Meridian,  
Klamath County, Oregon.

Both the Beneficiary and  
the Trustee have elected to  
sell the 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 gran-  
tor's failure to pay  
when due the following  
sums:

Monthly installments of  
\$2,418.74 beginning August  
17, 1999 and continuing  
through the installment due  
January 17, 2000, and  
thereafter, late charg-  
es; plus real property  
taxes for the years of  
1999-2000, plus interest  
and penalties and any  
sums advanced by the  
beneficiary pursuant to  
the trust deed.

By reason of the  
default, the Beneficiary  
has declared all sums  
owing on the obligation  
secured by the Trust  
Deed immediately due  
and payable, the sums  
being the following, to-wit:  
\$275,473.11 together with  
interest of \$10,549.24 through  
November 29, 1999, plus in-  
terest at the rate of 9.99  
from November 30, 1999  
until paid, together with  
Trustee's fees, attorney's  
fees, foreclosure costs and  
any sums advanced by the  
Beneficiary pursuant to the  
Trust Deed.

The Notice of De-  
fault and Original No-  
tice of Sale given pursu-  
ant hereto stated that  
the Property would be  
sold on June 20, 2000 at  
the hour of 1:00 P.M.,  
Klamath County Court-  
house, 316 Main Street,  
Front Steps, in the City  
of Klamath Falls, County  
of Klamath and State of  
Oregon. However, subse-  
quent to the recording of  
the Notice of Default the  
original sale proceedings  
were stayed by the order  
of the court or by pro-  
ceedings under the Na-  
tional Bankruptcy Act  
or for other lawful reason.  
The Beneficiary did not  
participate in obtaining such  
stay. The bankruptcy au-  
tomatic stay was termi-  
nated pursuant to an  
order of relief entered  
October 31, 2000 and under

the bankruptcy rules the  
order was stayed until the  
expiration of ten days after  
the entry of the order.  
The stay thus termina-  
ted on November 10,  
2000.

WHEREFORE,  
notice is hereby given  
that the undersigned  
Trustee will on January  
16, 2001, at the hour of  
Eleven O'clock, 11:00  
A.M., at the Klamath  
County Courthouse, 316  
Main Street, Front  
Steps, in the City of  
Klamath Falls, County  
of Klamath and State of  
Oregon (which is the  
new date, time and  
place set for the sale)  
sell at public auction to  
the highest bidder for  
cash the interest in the  
Property which the Grantor  
had or had power to convey  
at the time of 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  
debt 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 anytime prior  
to five days before the  
date last set for the  
sale, to have this fore-  
closure proceeding dis-  
missed and the Trust  
Deed reinstated by pay-  
ment to the Beneficiary  
the entire amount then  
due (other than such  
portion of the principal  
as would not then be  
due had no default oc-  
curred), and by curing  
any other default com-  
plained of herein that is  
capable of being cured  
by tendering the per-  
formance required under  
the debt or Trust  
Deed, and in addition to  
paying the sums or ten-  
dering the performance  
necessary to cure the  
default, by paying all  
costs and expenses ac-  
tually incurred in en-  
forcing the debt and  
Trust Deed, together  
with Trustee's and attor-  
ney fees not exceeding

the amounts provided by  
ORS 86.753.  
In construing this  
notice, the singular in-  
cludes the plural, the  
word "Grantor" in-  
cludes any successor in  
interest to the Grantor  
as well as any other  
person owing an obliga-  
tion, the performance  
of which is secured by  
the Trust Deed, and the  
words "Trustee" and  
"Beneficiary" include  
their respective suc-  
cessors in interest, if any.  
DATED: November 15,  
2000.  
Richard T. Anderson, Jr.  
Successor Trustee

10700 SW Beaverton-  
Hillsdale Hwy. #460  
Beaverton, Oregon 97005  
(503) 648-9230  
STATE OF OREGON  
County of Washington ss.  
Richard T. An-  
derson, Jr., certify that  
I am the Successor  
Trustee and that the  
foregoing is a complete  
and exact copy of the  
original Amended Trus-  
tee's Notice of Sale (af-  
ter relief from the stay).  
Richard T. Anderson, Jr.  
Successor Trustee  
#3632 November 27, 2000  
December 4, 11, 18, 2000

State of Oregon, County of Klamath  
Recorded 01/10/01, at 11:19a. m.  
In Vol. M01 Page 1045  
**Linda Smith,**  
County Clerk Fee \$ 36<sup>00</sup>