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Vol M01 Page 17576

STATE OF OREGON,

} ss.

AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE

RE: Trust Deed from

Sherry A. Miller

To

Grantor

AmeriTitle

Trustee

After recording, return to (Name, Address, Zip):

SPACE RESERVED
FOR
RECORDER'S USE

State of Oregon, County of Klamath

Recorded 04/20/01, at 3:29 p. m.

In Vol. M01 Page 17576

Linda Smith,

County Clerk Fee \$ 36⁰⁰STATE OF OREGON, County of Josephine) ss:I, Michael J. Bird

, being first duly sworn, depose, and say 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 the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in the notice of sale.

I gave notice of the sale of the real property described in the attached trustee's Notice of Sale by mailing copies 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 addresses, to-wit:

NAME

ADDRESS

Sherry A. Miller

2020 Bronco Lane, Chiloquin, OR 97624

Sherry A. Miller

PO BOX 619, Chiloquin, OR 97624

Carter-Jones Collection

1143 Pine St, Klamath Falls, OR 97601

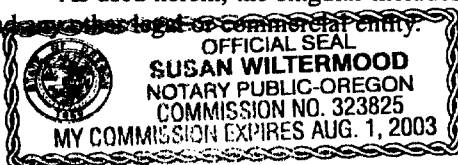
Dunlap Fanning & Co.

3125 Crosby Avenue, Klamath Falls, OR
97603

These 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 set forth in ORS 86.785.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Michael J. Bird, attorney for the trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Grants Pass, Oregon, on January 10, 2001. 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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

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

Subscribed and sworn to before me on January 10 2001

Notary Public for Oregon

My commission expires 08/01/2003

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

TRUSTEE'S NOTICE OF SALE

NOTICE is hereby given that the obligation secured by the trust deed described herein is in default, and that the beneficiary has elected to foreclose the trust deed pursuant to ORS 86.705 to 86.795. No action is now pending to recover any part of the debt secured by the trust deed.

Information required by ORS 86.735 and ORS 86.745 is as follows:

1. **Grantor: SHERRY A. MILLER**

Trustee: **AMERITITLE**

Successor Trustee: **MICHAEL J. BIRD**

Beneficiary: **ROBERT J. O'ROURKE AND ARLENE O'ROURKE, husband and wife or the survivor thereof**

2. **Property covered by the trust deed:**

See Exhibit "A" attached hereto and made a part hereof.

**Property Address:
2020 BRONCO LANE
CHILOQUIN, OR 97624**

3. The trust deed was dated October 10, 1997, and recorded October 17, 1997, in the mortgage records of Klamath County, Oregon, as Document No. 97-47116, Volume No. M97, page 34167, Official Records of Klamath County, Oregon;

4. **Default for which foreclosure is made is failure to pay the following:**

(a) Monthly payments of \$668.00 each commencing July 16, 2000, and thereafter.

(b) Late penalty charge of 5% on each monthly payment thereafter not made within 15 days of due date.

(c) 2000/2001 delinquent real property taxes in the amount of \$21.22, plus interest thereon; 2000/2001 delinquent real property taxes in the amount of \$1,080.22, plus interest;

5. The sums owing on the obligation secured by the trust deed is:

(a) The principal sum of \$49,828.41, plus accrued interest thereon at the rate of 16.000 percent per annum beginning 6/5/00, until paid.

(b) Late penalty charge of 5% on each monthly payment thereafter not made within 15 days of due date.

(c) 2000/2001 delinquent real property taxes in the amount of \$21.22, plus interest thereon; 2000/2001 delinquent real property taxes in the amount of \$1,080.22, plus interest;

(d) 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 beneficiary's interest therein.

(e) Any other defaults which may exist prior to the foreclosure sale not hereinabove mentioned for the protection of the above-described real property and beneficiary's interest therein.


6. The beneficiary has and does elect to sell the property to satisfy the obligation. A Notice of default was recorded on December 22, 2000, as Volume No. M00, Page 46023, and re-recorded on January 3, 2001, as Volume No M01, Page 268, Official Records of Klamath County, Oregon.

7. The property will be sold in the manner prescribed by law on May 7, 2001, at 10:00 O'clock, A.M., standard time as established by ORS 187.110, at the front steps of AmeriTitle, 222 South Sixth Street, Klamath Falls, Oregon 97601, which is the hour, date and place last set for the sale.

8. Interested persons are notified of the right under ORS 86.753 to have this 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, together with costs, trustee's and attorney's fees, and by curing any other default complained of in this notice, at any time prior to five (5) days before the date the successor trustee conducts the sale.

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

DATED this 10th day of January, 2001.



MICHAEL J. BIRD, SUCCESSOR TRUSTEE

A parcel of land situated in Sections 14 and 15, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of the West 1/2 West 1/2 Northwest 1/4 of said Section 14; thence North along the East line of said West 1/2 West 1/2 Northwest 1/4 183 feet to a point where said East line intersects the centerline of an existing access road said point hereafter being referred to a Point "A"; thence leaving said East line West 1/2 West 1/2 Northwest 1/4 and following said existing access road in a Westerly direction through portions of said Sections 14 and 15 the following courses and distances: North 61 degrees 48' 34" West, 483.18 feet to the beginning of a curve to the left; thence along the arc of a 293.3 feet radius curve to the left, 175.30 feet (delta = 34 degrees 14' 43") to the end of curve; thence South 86 degrees 56' 43" West, 174.64 feet to the beginning of a curve to the right; thence along the arc of a 576.01 feet radius curve to the right 135.84 feet (delta = 13 degrees 30' 45") to the end of curve; thence North 82 degrees 32' 32" West 150.41 feet to an angle point; thence North 88 degrees 43' 02" West, 281.85 feet to an angle point; thence North 82 degrees 51' 42" West, 205.13 feet to the beginning of a curve to the right; thence along the arc of 278.37 feet radius curve to the right 158.59 feet (delta = 32 degrees 38' 31") to a point of reverse curve; thence along the arc of a 458.60 feet radius curve to the left 227.21 feet (delta = 28 degrees 23' 15") to the end of curve; thence North 78 degrees 36' 26" West 436.87 feet to an angle point; thence North 75 degrees 35' 04" West 131.21 feet to the beginning of a curve to the left; thence along the arc of a 262.74 feet radius curve to the left 201.07 feet (delta = 43 degrees 50' 47") to the end of curve; thence South 60 degrees 34' 09" West, 315.67 feet to an angle point; thence South 54 degrees 20' 06" West, 422.43 feet to the beginning of a curve to the right; thence along the arc of a 333.03 feet radius curve to the right 122.21 feet to a point on curve (delta = 21 degrees 01' 33") said point on curve being a point where said road centerline intersects the Easterly boundary of that certain parcel of land described in Deed recorded in Deed Volume M75, page 437, Klamath County Deed Records said point also being referred to hereinafter as Point "B" thence leaving said road centerline South 02 degrees 31' 11" East, 429.72 feet to a 3/4 inch iron pin; thence South 68 degrees West, 208 feet to a 3/4 inch iron pin on the Easterly bank of the Williamson River; thence Southerly along the Easterly bank of said Williamson River to a point where said river bank intersects the South line of Government Lot 10 of said Section 15; thence East along the South line of said Government Lot 10 to the Southeast corner thereof; thence East along the South line of the North 1/2 Northeast 1/4 Southeast 1/4 of said Section 15 to the Southeast corner thereof; thence East along the South line of the Northwest 1/4 Northwest 1/4 Southwest 1/4 of said Section 14 to the Southeast corner thereof; thence North to the point of beginning.

TOGETHER WITH a non-exclusive private roadway easement for use in common with others over and across a strip of land 30.00 feet in width lying immediately adjacent to but Northerly of the roadway centerline described above running Westerly from Point "A" to Point "B".

ALSO TOGETHER WITH a tract of land situated in the E1/2 SW1/4 NW1/4 and NE1/4 NW1/4 SW1/4, Section 14, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

Beginning at a point on the West line of said NE1/4 NW1/4 SW1/4 from which the Southwest corner of same (NW SW 1/64 Section 14) bears South 00 degrees 13' 09" West 346.24 feet; thence North 00 degrees 13' 09" East 320.02 feet, to the Northwest corner of same (C-W-W 1/64 Section 14); thence North 00 degrees 12' 49" East, along the West line of said E1/2 SW1/4 NW1/4, 174.49 feet; thence South 61 degrees 47' 24" East 75.16 feet; thence South 24 degrees 53' 45" East 81.93 feet; thence South 14 degrees 56' 04" West 398.10 feet to the point of beginning.

AND EXCEPTING THEREFROM a tract of land situated in the NW1/4 NW1/4 SW1/4, Section 14, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

Beginning at the Southeast corner of said NW1/4 NW1/4 SW1/4 (NW SW 1/64 Section 14); thence South 89 degrees 35' 50" West along the South line of same, 94.31 feet; thence North 15 degrees 24' 42" East 359.84 feet to East line of same; thence South 00 degrees 13' 09" West 346.24 feet to the point of beginning.