

## Affidavit of Publication

'01 MAY 31 PM3:18

Vol M01 Page 25676STATE OF OREGON,  
COUNTY OF KLAMATH

I, Larry L. Wells, Business Manager, being first duly sworn, depose 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#3958

Amended Trustee's Notice of Sale  
Frank Mosley

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:

April 17, 24, 2001

May 1, 8, 2001

Total Cost: \$823.50

*Larry L. Wells*  
Subscribed and sworn before me this 8th  
day of: May 2001

*Debra A. Gribble*  
Notary Public of Oregon

My commission expires March 15, 2004

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: Frank Mosley, an estate in fee simple as to Lots 45 & 46

Trustee: Aspen Title and Escrow Company

Beneficiary: American General Finance, Inc.

Date: September 25, 1998

Recording Date: September 28, 1998

Recording Reference: Book M98, Page 3531, Reel No. 66896  
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"):

Lots 45 and 46, Block 2, Bley-Wash-Heights, in the County of Klamath, State of 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 foreclosure is permitted is the Grantor's failure to pay when due the following sums:

Monthly installments of \$298.54 beginning February 1, 2000 and continuing through the installment due January 1, 2001 and thereafter, late charges; plus real property taxes for the years of 1996-97, 1997-98, 1998-99, 1999-2000 and 2000-01, plus interest and penalties.

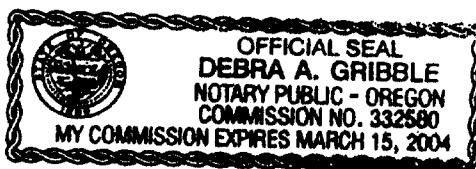
By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable as follows:

\$22,616.44 together with interest of \$2,010.04 through September 28, 2000, plus interest on the principal sum of \$22,616.44 at the rate of 13.50 percent per annum from September 28, 2000 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 Default and original Notice of Sale given pursuant thereto stated that the Property would be sold on June 7, 2001 at the hour of 1:00 p.m. at the Klamath County Courthouse, 316 Main Street, Front steps in the City of Klamath Falls, County of Klamath and State of Oregon. Subsequent to the recording of the Notice of Default the original sale proceedings were

stayed by the 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. Relief from the bankruptcy automatic stay was granted pursuant to an order entered March 23, 2001 and under the bankruptcy rules the order was stayed until the expiration of ten days after the entry of the order. Thus, the stay effectively terminated on April 3, 2001.

WHEREFORE, notice is hereby given that the undersigned Trustee will on June 7, 2001 at the hour of One O'clock, 1:00 P.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 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 the 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 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 the entire amount then due (other than such

DATED: April 11,  
2001  
Miles D. Monson  
Successor Trustee  
10700 SW Beaverton-  
Hillsdale Hwy. #460  
Beaverton, Oregon  
97005  
STATE OF  
OREGON  
County of Washing-  
ton} ss.

I, Miles D. Mon-  
son, certify that I  
am the Successor  
Trustee and that the  
foregoing is a com-  
plete and exact copy  
of the original  
Amended Trustee's  
Notice of Sale (after  
relief from the  
stay).

Miles D. Monson  
Successor Trustee  
#3958 April 17, 24,  
2001  
May 1, 8, 2001

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 debt or Trust Deed, and in addition to paying the sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the debt and Trust Deed, together with Trustee's and attorney fees not exceeding the amounts provided by 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 the Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

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unofficial  
copy

106-055/Mosley

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## AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON      )  
                            ) ss.  
County of Klamath      )

I, Dave Shuck, being first duly sworn, depose and say:

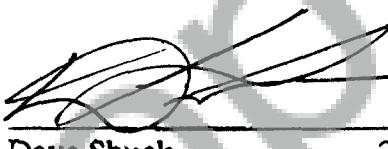
That I am, and have been at all material times hereto, a competent person over the age of eighteen years and a resident of Klamath County, State of Oregon. I am not a party to, an attorney in, or interested in any suit of action involving the property described below.

That on the 10th day of May, 2001, after personal inspection, I found the following described real property to be unoccupied and bare land:

Lots 45 and 46, Block 2, Bley-Was-Heights, in the County of Klamath, State of Oregon.

Commonly known as:      Lots 45 & 46, Block 2  
                                    Bley-Was-Heights, Klamath County

I declare under the penalty of perjury that the above statements are true and correct.



Dave Shuck

225742

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of May, 2001, by Dave Shuck.



Margaret A. Nielsen  
Notary Public for Oregon



State of Oregon, County of Klamath  
Recorded 05/31/01, at 3:18 p.m.  
In Vol. M01, Page 25676  
Linda Smith,  
County Clerk   Fee\$ 31.00