

After recording, return to:  
 ROBERT A. SMEJKAL, Attorney  
 PO Box 654  
 Eugene, OR 97440

Vol M01 Page 53884

Re Trust Deed from Grantor:  
 LINDA R. DePUE  
 PO Box 271  
 Crescent, OR 97733

# AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Lane ) ss.

I, ROBERT A. SMEJKAL, being first duly sworn, depose and say that:

At all times hereinafter mentioned, I was and am a resident of the State of Oregon, a competent person over the age of eighteen years, and not the Beneficiaries or the Beneficiaries' successor in interest named in the attached original Amended Trustee's Notice of Sale given under the terms of that certain Deed described in the Amended Trustee's Notice of Sale.

I gave notice of the sale of the real property described in the attached Amended 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 persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

Name	Address
LINDA R. DePUE	PO Box 271 Crescent, OR 97733

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 Beneficiaries 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 Beneficiaries have 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 Amended Trustee's Notice of Sale by ROBERT A. SMEJKAL, 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 Eugene, Oregon, on October 5, 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 Amended Trustee's 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.

Robert A. Smyk Kal  
 ROBERT A. SMEJKAL

STATE OF OREGON, County of Lane ) ss.

SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of October, 2001, by ROBERT A. SMEJKAL.



Annette Kayser  
 NOTARY PUBLIC FOR OREGON  
 My Commission Expires: 3/19/03

AMENDED TRUSTEE'S NOTICE OF SALE

53885

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby.

- A. PARTIES TO THE TRUST DEED:**  
Grantor: LINDA R. DePUE  
Trustee: ROBERT A. SMEJKAL, Attorney at Law  
Beneficiary: JAMES B. AHN and KYUNG H. AHN, husband and wife or the survivor
- B. DESCRIPTION OF PROPERTY:**  
Parcel 1: Lots 2, 3, 4, all of Lot 5, LESS the West 8 feet, in Block 42, CRESCENT, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.  
Parcel 2: Lots 9, 10, 11, 12 and 13 in Block 42 of CRESCENT, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, TOGETHER with the Westerly 8 feet of the alley adjacent to said lots. ALSO the Easterly 8 feet of the vacated alley in said Block 42 adjacent to Lot 5 of said Block. EXCEPTING therefrom that portion lying and being Northwesterly of a line 50 feet Southeasterly of and parallel to the present relocated center line of the Dalles-California Highway.
- C. TRUST DEED INFORMATION:**  
Dated: May 21, 1999  
Recording Date: May 27, 1999  
Recording No.: Volume M99, Page 21153  
Recording Place: Official Records of Klamath County, Oregon
- D. DEFAULT:** The Debtor is in default and Beneficiary elects to foreclosure the Trust Deed for failure to pay: (1) Monthly payments in the amount of \$1,325.00 each, commencing with the payment due 6/27/00 and continuing each month thereafter; and (2) Real property taxes, as follows: 1999-2000 in the amount of \$461.37, plus interest, and 2000-2001 in the amount of \$524.13, plus interest.
- E. POSTPONEMENT OF SALE PROCEEDINGS:** The original sale proceedings were stayed by a Chapter 13 Bankruptcy filed by Linda Rae DePue in the United States Bankruptcy Court for the District of Oregon, Case No. 301-36483-elp13. The Automatic Stay was terminated by an Order Granting Relief From Automatic Stay filed October 1, 2001.
- F. AMOUNT DUE:** By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the following: Principal balance of \$106,000.00, plus interest at the rate of 15% per annum from 5/27/00 until paid, plus late fees, foreclosure costs and attorney fees, and any sums advanced by the Beneficiary pursuant to the terms of the Trust Deed.
- G. ELECTION TO SELL:** NOTICE IS HEREBY GIVEN that the Beneficiary and Trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statute §86.705 et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in said described property which the Grantor had, or had the power to convey, at the time of the execution of the Trust Deed together with any interest the Grantor or successors in interest acquired after execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of sale, including the compensation of the Trustee as provided by law, and the reasonable fees of Trustee's attorney.

**H. TIME AND PLACE OF SALE:**

Time: 11:00 a.m., November 8, 2001

Place: Inside front entrance of the Klamath County Courthouse,  
316 Main Street, Klamath Falls, Oregon

- I. RIGHT TO REINSTATE:** NOTICE IS FURTHER GIVEN that at any time prior to five days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Trustee 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 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 to the Trustee actually incurred by the Beneficiary and Trustee in enforcing the obligation of the Trust Deed, together with the Trustee's fees and attorney's fees.
- J. NOTICE:** The Federal Fair Debt Collection Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.
- K. MISCELLANEOUS:** 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.

DATED this 5<sup>th</sup> day of October, 2001.

Robert A. Smejkal, Trustee

STATE OF OREGON            )  
  ) ss.  
County of Lane             )

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 Amended Trustee's Notice of Sale.

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

STATE OF OREGON     )  
                               ) ss.  
 County of Klamath )

## AFFIDAVIT OF POSTPONEMENT

I, Neal G. Buchanan, being first duly sworn upon oath, do depose and say:

I am the Trustee's attorney named in connection with that certain Trust Deed made by Linda R. DePue as Grantor to Robert A. Smejkal, Attorney at Law, as Trustee, in favor of James B. Ahn and Kyung H. Ahn, husband and wife, or the survivor, as Beneficiary, dated May 21, 1999, recorded May 27, 1999, Official Records of Klamath County, Oregon at Volume M99, Page 21153, covering property described on Exhibit A attached hereto.

On June 14, 2001, at the hour of 10:30 a.m. I appeared inside the front entrance of 317 South 7th Street, Klamath Falls, County of Klamath, State of Oregon, and announced publicly that the foreclosure sale scheduled pursuant to the Trustee's Notice of Sale dated January 5, 2001, in connection with the above referenced Trust Deed was being postponed indefinitely due to a Chapter 13 Bankruptcy filed on June 13, 2001, by Linda R. DePue, Case Number 601-64507-aer13.

The names and addresses of interested persons present at the time and place of the sale were:

None.

DATED this 15th day of June, 2001.

Neal G. Buchanan  
 Neal G. Buchanan, OSB 77127  
 Attorney for Trustee

SUBSCRIBED AND SWORN to before me this 15th day of June, 2001.



Marsha Cobine  
 NOTARY PUBLIC FOR OREGON  
 My commission expires: 11-7-03

## EXHIBIT A

- Parcel 1: Lot 2, 3, 4, all of Lot 5, LESS the West 8 feet, Block 42, CRESCENT, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.
- Parcel 2: Lot 9, 10, 11, 12, and 13, in Block 42, CRESCENT, according to the official plat thereon on file in the office of the County Clerk of Klamath County, Oregon, TOGETHER with the Westerly 8 feet of the alley adjacent to said lots. ALSO the Easterly 8 feet of the vacated alley in said Block 42 adjacent to Lot 5 of said Block.

EXCEPTING THEREFROM that portion lying and being Northwesterly of a line 50 feet Southeasterly of and parallel to the present relocated centerline of the Dalles-California Highway.

STATE OF OREGON     )  
                              ) ss.  
County of Klamath )

53889

AFFIDAVIT OF POSTPONEMENT

I, Marsha Cobine, being first duly sworn upon oath, do depose and say:

I am the Trustee's representative named in connection with that certain Trust Deed made by Linda R. DePue as Grantor to Robert A. Smejkal, Attorney at Law, as Trustee, in favor of James B. Ahn and Kyung H. Ahn, husband and wife, or the survivor, as Beneficiary, dated May 21, 1999, recorded May 27, 1999, Official Records of Klamath County, Oregon at Volume M99, Page 21153, covering property described on Exhibit A attached hereto.

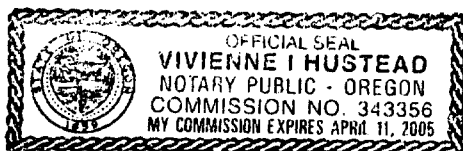
On June 14, 2001, at the hour of 10:30 a.m. I appeared inside the front entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, County of Klamath, State of Oregon, and announced publicly that the foreclosure sale scheduled pursuant to the Trustee's Notice of Sale dated January 5, 2001, in connection with the above referenced Trust Deed was being postponed indefinitely due to a Chapter 13 Bankruptcy filed on June 13, 2001, by Linda R. DePue, Case Number 601-64507-aer13.

The names and addresses of interested persons present at the time and place of the sale were:     None.

DATED this 18th day of June, 2001.

Marsha Cobine  
Marsha Cobine

SUBSCRIBED AND SWORN to before me this 18th day of June, 2001.



Vivienne I. Husted  
NOTARY PUBLIC FOR OREGON  
My commission expires: 4-11-05

AFFIDAVIT OF POSTPONEMENT

53890

EXHIBIT A

- Parcel 1: Lot 2, 3, 4, all of Lot 5, LESS the West 8 feet, Block 42, CRESCENT, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.
- Parcel 2: Lot 9, 10, 11, 12, and 13, in Block 42, CRESCENT, according to the official plat thereon on file in the office of the County Clerk of Klamath County, Oregon, TOGETHER with the Westerly 8 feet of the alley adjacent to said lots. ALSO the Easterly 8 feet of the vacated alley in said Block 42 adjacent to Lot 5 of said Block.

EXCEPTING THEREFROM that portion lying and being Northwesterly of a line 50 feet Southeasterly of and parallel to the present relocated centerline of the Dalles-California Highway.

State of Oregon, County of Klamath  
Recorded 10/23/01 at 2:17 p. m.  
In Vol. M01 Page 53884  
Linda Smith,  
County Clerk Fee \$ 51.00