

AFTER RECORDING RETURN TO:  
Shapiro & Kreisman  
Kelly D. Sutherland, Successor Trustee  
201 NE Park Plaza Drive, #150  
Vancouver, WA 98684  
01-14821

**AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE**  
(After Release From Stay)

STATE OF WASHINGTON, County of Clark, ss:

I, Kelly D. Sutherland, being first duly sworn, depose, and say and certify that: At all times hereinafter mention 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:

Daniel G. Brown  
1380 Wild Plum Court  
Klamath Falls, OR 97601

Elouise V. Brown  
1380 Wild Plum Court  
Klamath Falls, OR 97601

Occupant(s)  
1380 Wild Plum Court  
Klamath Falls, OR 97601

Elouise V. Brown  
885 Hanks Street  
Klamath Falls, OR 97601-1244

Daniel G. Brown  
885 Hanks Street  
Klamath Falls, OR 97601-1244

Klamath County Tax Collector  
305 Main Street  
Klamath Falls, OR 97601

National Bank of Alaska  
PO Box 100600  
Anchorage, AK 99510-0600

Stephen C. P. Carroll, Esq.  
MULHEIM PALMER & WADE  
800 Willamette Street, #700  
Eugene, OR 97401

James C. Waggoner, Esq.  
DAVIS WRIGHT TREMAINE  
1300 S.W. 5th Avenue, #2300  
Portland, OR 97201

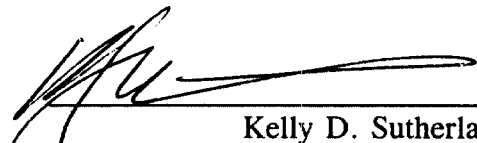
Keith Boyd  
Attorney at Law  
502 West Main Street, #102  
Medford, OR 97501-2736

Candace Ambron  
Chapter 7 Trustee  
P.O. Box 580  
Medford, OR 97501-0214

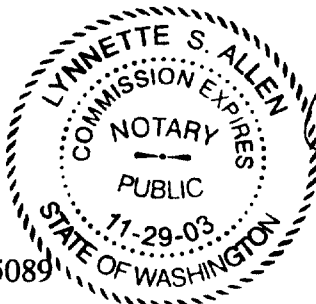
Said Amended Trustee's Notice of Sale was given in compliance with ORS 86.755(6), within 30 days after release from a stay of the foreclosure proceedings, and the above named persons listed in ORS 86.740 and ORS 86.750(1).


Each of the notices so mailed was certified to be a true copy of the original notice of sale by Kelly D. Sutherland, an attorney, each such copy was contained in a sealed envelope, with postage thereof fully prepaid, and was deposited by me in the United States post office at Vancouver, Washington, on October 25, 2001, 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.

  
Kelly D. Sutherland

Subscribed and sworn to before me this 25th day of October, 2001.



  
Notary Public for Washington  
My Commission Expires 11/29/03

Loan #: 19335089

AFTER RECORDING RETURN TO:  
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Kelly D. Sutherland, Successor Trustee  
201 NE Park Plaza Drive, #150  
Vancouver, WA 98684  
01-14821

## **AMENDED TRUSTEE'S NOTICE OF SALE**

(After Release From Stay)

Reference is made to that certain trust deed made by Daniel G. Brown and Elouise V. Brown, husband and wife, as grantor to AmeriTitle, as trustee, in favor of Sierra Pacific Mortgage Company, Inc., as beneficiary, dated September 20, 1999, recorded September 28, 1999, in the mortgage records of Klamath County, Oregon in Book No. M99, at Page 38479, beneficial interest having been assigned to Mortgage Electronic Registration Systems, Inc., as serviced by HomeSide Lending, Inc., covering the described real property in said county and state, to-wit:

See complete Legal Description attached hereto as Exhibit "A"

Commonly Known as: 1380 Wild Plum Court, Klamath Falls, OR 97601

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:

Monthly payments in the sum of \$2,494.34 from March 1, 2001, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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:

\$307,132.56, together with interest thereon at the rate of 9.00% per annum from February 1, 2001, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

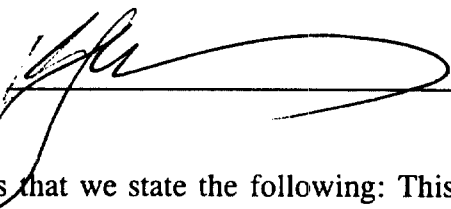
The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on November 14, 2001, at 11:00 AM, in accord with the standard of time established by ORS 187.110, at at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the 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 on October 18, 2001.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 19, 2001, at 11:00 AM, in accord with the standard of time established by ORS 187.110 at at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, (which is the new date, time and place set for sale) sell at public auction to the highest bidder foreclose the interest in the said described real property which the grantor has or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his 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 reinstate by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then to 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 amount provided by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, 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.

KELLY D. SUTHERLAND, Successor Trustee

Dated 10/25/01

By  \_\_\_\_\_

The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose.

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 trustee's notice of sale as amended.

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

**Exhibit A**

**Lots 6 and 7, Block 10, Tract 1173, being a subdivision of Lot 1, Block 10, LYNNEWOOD, in the County of Klamath, State of Oregon.**

**EXCEPTING THEREFROM a parcel of land being a portion of said Lot 7, being more particularly described as follows:**

**Beginning at the pin which marks the Northeast corner of Lot 2, Tract 1173; thence Westerly 16 feet, more or less, along the Northerly lot line of said lot to a point which is 16 feet Southwesterly and parallel to lot line running between Lots 7 and 8 to the true point of beginning; thence Northwesterly 14 feet along a line which is 16 feet Southwesterly and parallel to lot line running between Lots 7 and 8 to a point; thence in a Southwesterly direction to the Northwest corner of aforesaid Lot 2; thence Easterly along the Northerly lot line of said Lot 2 to the true point of beginning.**

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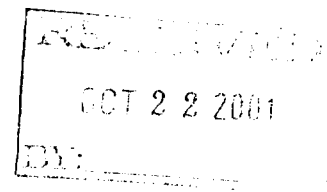
CLERK, U.S. BANKRUPTCY COURT  
DISTRICT OF OREGON

OCT 18 2001

LODGED \_\_\_\_\_ REC'D \_\_\_\_\_  
PAID \_\_\_\_\_ DOCKETED *bl*

Kelly D. Sutherland  
SHAPIRO & KREISMAN  
201 NE Park Plaza Drive, Suite 150  
Vancouver, Washington 98684  
Telephone: (360) 260-2253  
OSB #: 87357, S&K #01-14821

Attorneys for Mortgage Electronic Registration Systems, Inc.,  
as serviced by HomeSide Lending, Inc.



UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In Re: Daniel G. Brown ) Case No. 601-65539-aer7  
V. Elouise Brown )  
Debtor(s) ) ORDER FOR RELIEF FROM STAY

This matter coming before the court on the Motion of Mortgage  
Electronic Registration Systems, Inc., as serviced by HomeSide  
Lending, Inc. filed herein on August 9, 2001, and the Debtor(s),  
Debtor(s) Attorney and Trustee having failed to make a timely  
response to said Motion for Relief from Stay,

IT IS HEREBY ORDERED that:

(1) Mortgage Electronic Registration Systems, Inc., as  
serviced by HomeSide Lending, Inc. is granted relief from the  
automatic stay so that it may foreclose upon its Deed of Trust on  
that certain real property owned by the Debtor(s) and commonly  
known as 1380 Wild Plum Court , Klamath Falls, OR 97601; it is  
further ordered that;

///

1 - ORDER FOR RELIEF FROM STAY

SHAPIRO & KREISMAN  
201 NE Park Plaza Drive, Suite 150  
Vancouver, Washington 98684  
(360) 260-2253

ORIGINAL

(2) Rule 4001 (a) (3) is not applicable and Mortgage Electronic Registration Systems, Inc., as serviced by HomeSide Lending, Inc. may immediately enforce and implement this order granting relief from the Automatic Stay.

*Albert E. Rodcliffe*

United States Bankruptcy Judge

Presented By:

*Kelly D. Sutherland*

Kelly D. Sutherland, OSB #87357

Of Attorney's for Mortgage Electronic Registration Systems, Inc.,  
as serviced by HomeSide Lending, Inc.

State of Oregon, County of Klamath  
Recorded 10/29/01 at 11:26 AM.  
In Vol. M01 Page 54883  
Linda Smith,  
County Clerk Fee \$ 51.00

cc: Kelly D. Sutherland  
Daniel G. & Elouise V. Brown  
Candace Ambron  
Keith Boyd  
U.S. Trustee

**SHAPIRO & KREISMAN**  
201 NE Park Plaza Drive, Suite 150  
Vancouver, Washington 98684  
(360) 260-2253

2 - ORDER FOR RELIEF FROM STAY