

After recording return to:

Vol M02 Page 34510

AmeriTitle, Inc.
P.O. Box 1609
505 Southeast Main Street
Roseburg, OR 97470

State of Oregon, County of Klamath
Recorded 06/13/2002 11:08 a. m.
Vol M02, Pg 34510-15
Linda Smith, County Clerk
Fee \$ 46.00 # of Pgs 6

No change in tax address.

File No.: 00053735
BLT: BT2

mtc 55389

**AFFIDAVIT OF MAILING
AMENDED TRUSTEE'S NOTICE OF SALE**

STATE OF OREGON
COUNTY OF DOUGLAS

} ss:

I, Barbara L. Thomas, being first duly sworn, depose, say and certify 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 his successor in interest named in the attached original Amended Trustee's 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 an original thereof by both first class and certified mail with return receipt requested to each of the parties named on the attached letter at their respective last known addresses.

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 include all of those persons listed in ORS 86.740 and ORS 86.750.

Each of the notices so mailed was an original notice of sale signed by the trustee; each such notice was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Roseburg, Oregon, on June 3, 2002. With respect to each party listed herein, 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 and postage thereon in the amount sufficient to accomplish the same.



Barbara L. Thomas
Assistant Secretary

Subscribed and sworn to before me this 3rd day of June, 2002.



Notary Public for Oregon

My commission expires: 3/26/05



34511

May 29, 2002

ROBERT E. AUSTIN, RESIDENT AGENT
ABUNDANT HARVEST FARMS, INC.
2161 W. Williams #267
Fallon, NV 89406

DANIEL JAMES CASSIDY, PRESIDENT
ABUNDANT HARVEST FARMS, INC.
2161 W. Williams #267
Fallon, NV 89406

CARL DOUGLAS SMEDLEY,
SECRETARY/TREASURER
ABUNDANT HARVEST FARMS, INC.
2161 W. Williams #267
Fallon, NV 89406

ABUNDANT HARVEST FARMS, INC.
20700 Hwy 39
Merrill, OR 97601

ROBERT E. AUSTIN, RESIDENT AGENT
ABUNDANT HARVEST FARMS, INC.
5521 Churn Creek Road
Redding, CA 96002

JACK L. SEXTON
905 Old Midland Road
Klamath Falls, OR 97601

SCOTT SEXTON
905 Old Midland Road
Klamath Falls, OR 97601

NANCY SEXTON
905 Old Midland Road
Klamath Falls, OR 97601

ROBERT E. AUSTIN, REGISTERED AGENT
COUNTRY BOY MEATS, INC.
20700 Hwy 39
P.O. Box 856
Merrill, OR 97633

JACK L. SEXTON, REGISTRANT
dba COUNTRY BOY MEATS
905 Old Midland Road
P. O. Box 856
Merrill, OR 97633

NANCY SEXTON, REGISTRANT
dba COUNTRY BOY MEATS
905 Old Midland Road
P.O. Box 856
Merrill, OR 97633

SCOTT SEXTON, REGISTRANT
dba COUNTRY BOY MEATS
905 Old Midland Road
P.O. Box 856
Merrill, OR 97633

Attached, and mailed separately to each of you by both first class and certified mail, is an original Amended Trustee's Notice of Sale in connection with the foreclosure of a trust deed made by ABUNDANT HARVEST FARMS, INC. in favor of BARNEY BURKS and EULA B. BURKS, Trustees of THE BARRY H. BURKS IRREVOCABLE TRUST dated September 30, 1988, as to an undivided 40% interest and WAYNE K. BURKS & KAY E. BURKS, Trustees of THE WAYNE K. BURKS and KAY E. BURKS LIVING TRUST dated February 11, 1993, as to an undivided 60% interest. This notice is being mailed to you pursuant to Chapter 86 of the Oregon Revised Statutes.



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Please read the enclosed notice carefully and if you have any questions regarding your rights you should consult your attorney.

Sincerely,

AmeriTitle, Inc.

Barbara L. Thomas
Assistant Secretary

BLT: jws
Order No.: 00053735

**AMENDED
TRUSTEE'S NOTICE OF SALE**

File No. 00053735

Reference is made to that certain Trust Deed made by ABUNDANT HARVEST FARMS, INC., a Nevada corporation as grantor, to AmeriTitle, Inc. as trustee, in favor of BARNEY BURKS & EULA B. BURKS, Trustees of THE BARRY H. BURKS IRREVOCABLE TRUST dated September 30, 1988, as to an undivided 40% interest and WAYNE K. BURKS & KAY E. BURKS, Trustees of THE WAYNE K. BURKS and KAY E. BURKS LIVING TRUST dated February 11, 1993, as to an undivided 60% interest as beneficiary, dated January 11, 2001 and recorded January 22, 2001, in Volume M01 at Page 2579, Records of Klamath Oregon, and re-recorded January 25, 2001 in Volume M01 at Page 3041 covering the following described real property in said county and state:

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

COMMONLY KNOWN AS: 20700 Hwy 39
 Merrill, OR 97633

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 Section 86.735 (3) of Oregon Revised Statutes; the default for which foreclosure is made is grantor's failure to pay when due the following sums:

Monthly payment in amount of \$3,500.00 each, due for June, 2001, through present, plus late charges, delinquent property taxes and advances by beneficiary, if any.

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:

\$246,969.90 plus interest, accrued late charges and advances made by beneficiary.

Both the beneficiary and the trustee had previously set the day, time and place for said sale, to-wit: April 29, 2002, at the hour of 1:30 o'clock P.M., Pacific Time, as established by Section 187.110, Oregon Revised Statutes, at the offices of the AmeriTitle, Inc. located at 222 South Sixth Street, in the City of Klamath, County of Klamath, State of Oregon. Said sale was stayed/voided by proceedings in the United States Bankruptcy Court for the District of California, Case No. 02-24782-B-11. Said bankruptcy was dismissed on May 21, 2002 .


NOW THEREFORE, notice is hereby given that the undersigned trustee will on June 26, 2002, at the hour of 1:30 o'clock P.M., Pacific Time, as established by Section 187.110, Oregon Revised Statutes, at the offices of AmeriTitle, Inc., located at 222 South Sixth Street, in the City of Klamath, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash in the form of a Cashier's Check the interest in the said described real property which the grantor had or had power to convey at the time of 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 Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts the sale, to have this foreclosure 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) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation of Trust Deed, and in addition too paying said sums of 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 amounts provided by said Section 86.753 of Oregon Revised Statutes.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the work "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.

DATED, May 29, 2002.

AmeriTitle, Inc.

By 
Barbara L. Thomas, Assistant Secretary

BLT: BT2

EXHIBIT "A"
LEGAL DESCRIPTION

34515

All of Government Lot 2, Section 3, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING THEREFROM that portion conveyed by instrument recorded July 8, 1940 in Volume 130, page 306, Deed Records of Klamath County, Oregon, more particularly described as follows:

A parcel of land lying in the NE1/4 NE1/4 of Section 3, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, and being a portion of that tract of land which was conveyed by that certain deed from Sheriff to Klamath County, recorded in Book 76, pages 208-210, Klamath County Record of Deeds; the said parcel being described as follows: Beginning at a point on the East line of said Section 3, which point is on the Northeasterly right of way line of the Dalles-California Highway, said point being 30.0 feet distant from land measured at right angles to the center line of said highway, at Engineer's Station 45+20.9; said point also being 691.7 feet South of the Northeast corner of said Section 3, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon; thence North 00 degrees 23' East along the Easterly line of said tract, a distance of 362.5 feet; thence North 79 degrees 12' West a distance of 471.5 feet to a point on the Northeasterly right of way line of the Dalles-California Highway; thence Southeasterly along the said Northeasterly right of way line on a 1940.0 foot radius curve right (whose long chord bears South 46 degrees 01' 30" East 616.4 feet) a distance of 629.2 feet; thence South 36 degrees 44' East along said highway right of way line a distance of 28.5 feet to the point of beginning.

AND EXCEPTING THEREFROM those portions thereof described in Deeds to the United States of America recorded November 16, 1908, June 15, 1914, and August 12, 1936 in Volume 24 Page 615, Volume 42 Page 250, and Volume 256 Page 219, respectively.

AND EXCEPTING THEREFROM that portion thereof described in Deed to Klamath County recorded September 3, 1922 in Volume 59 Page 164.

AND EXCEPTING THEREFROM that portion lying within the right of way of the Dalles-California Highway.