

After Recording Return To:

Glenn H. Prohaska  
4425 SW Corbett Avenue  
Portland, Oregon 97201

Vol M02 Page 48935

State of Oregon, County of Klamath  
Recorded 08/29/2002 8:12 a. m.  
Vol M02, Pg 48935-41  
Linda Smith, County Clerk  
Fee \$ 51.00 # of Pgs 7

02 AUG 29 AM 8:12

This Space Reserved For Recorder's Use

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

STATE OF OREGON, County of Multnomah ) ss:

Glenn H. Prohaska, 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.

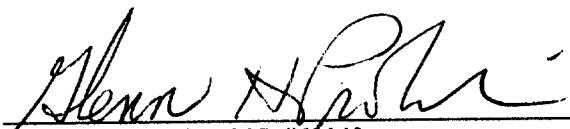
I gave notice of the sale of the real property described in the attached Trustee's Notice of Sale by mailing copies thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

NAME: Norman and/or Nancy Yates ADDRESS: 5535 "A" SE 115th, Portland, OR 97226  
Norman and/or Nancy Yates and/or Occupant(s) 153030 Collar Dr., LaPine, OR 97739

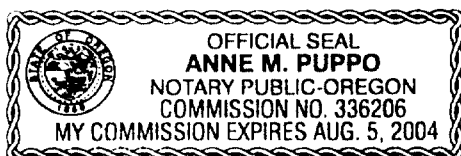
These persons include (a) the grantor in the trust deed; (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice; (c) any person, including the Department of Revenue or any other state agency, having a lien or 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 Glenn H. Prohaska, 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 Portland, Oregon on February 26, 2002 and an amended notice of sale was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Portland, Oregon on June 18, 2002. 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.

  
Glenn H. Prohaska, OSB #69140

Personally appeared before me the above named Glenn H. Prohaska on August 26, 2002 and acknowledged the foregoing to be his voluntary act and deed.



  
NOTARY PUBLIC FOR OREGON  
My Commission expires August 5, 2004

48936.

Court Case No.  
Sheriff's Case No. 02-00655

I hereby certify that I received for service the within:

Further I certify that on 03/12/02, after personal inspection, I found the following described real property to be unoccupied:

All search and service was made within Klamath County, State of Oregon.

By FRANK, DARREN

PROHASKA, GLENN H  
4425 SW CORBETT AVE  
PORTLAND

OR 97201

**TRUSTEE'S NOTICE OF SALE****48937**

Reference is made to that certain trust deed made by **Norman E. Yates and Nancy R. Yates**, as grantor(s), to **Glenn H. Prohaska**, as trustee, in favor of **Conseco Bank, Inc.**, as beneficiary, dated November 1, 1999, recorded November 8, 1999, in the mortgage records of Klamath County, Oregon, as Fee No./ Vol. M98, Page 44422, covering the following described real property situated in said county and state, to wit:

Lot 5 in Block 3 of Tract No. 1204, Little River Ranch, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

which has the address commonly known as 153030 Collar Drive, La Pine, Oregon 97739.

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:

\$ 3,229.42      Total delinquent monthly payments and late chgs. due as of 12/18/01  
\$ 3,229.42      **TOTAL AMOUNT REQUIRED TO REINSTATE AS OF 12/18/01**

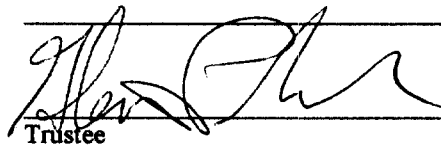
By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

\$ 85,359.42      Principal balance of loan  
\$ 85,359.42      **TOTAL AMOUNT DUE AS OF 12/18/01**

WHEREFORE, notice hereby is given that the undersigned trustee will on **June 21, 2002**, at the hour of **10:00 o'clock A.M.**, in accord with the standard of time established by ORS 187.110, at front steps of Klamath County Courthouse in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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 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 amounts provided by said 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 said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED FEBRUARY 26, 2002

  
\_\_\_\_\_  
Trustee

STATE OF OREGON, County of Multnomah ) ss.

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.

\_\_\_\_\_  
Glenn H. Prohaska, OSB #69140

**SERVE:**      **Norman E. Yates and/or Nancy R. Yates**      (OR CURRENT OCCUPANT)  
                 **153030 Collar Drive - La Pine, Oregon 97739**

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

Reference is made to that certain trust deed made by **Norman E. Yates and Nancy R. Yates**, as grantor(s), to **Glenn H. Prohaska**, as trustee, in favor of **Conseco Bank, Inc.**, as beneficiary, dated November 1, 1999, recorded November 8, 1999, in the mortgage records of Klamath County, Oregon, in fee/file/instrument/microfilm/File No. Vol. M99, Page 44422, covering the following described real property situated in said county and state, to wit:

Lot 5 in Block 3 of Tract No. 1204, Little River Ranch, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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:

**TOTAL REQUIRED TO REINSTATE THIS LOAN AS OF 12/18/01 IS: \$3,229.42**

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:

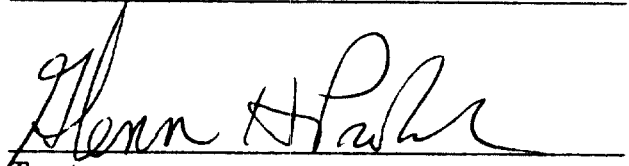
**TOTAL AMOUNT DUE TO PAYOFF THIS LOAN AS OF 12/18/01 IS: \$85,359.42**

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on June 21, 2002, at the hour of 10:00 o'clock A.M., Standard Time, as established by Section 187.110 Oregon Revised Statutes, 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 June 6, 2002.

WHEREFORE, notice hereby is given that the undersigned trustee will on **July 19, 2002** at the hour of **9:30 o'clock A.M.**, which is the new time and place, in accord with the standard of time established by ORS 187.110, at front steps of Klamath County Courthouse in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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 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 amounts provided by said 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 said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: June 18, 2002

  
Trustee

STATE OF OREGON, County of Multnomah ) ss.

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.

\_\_\_\_\_  
Glenn H. Prohaska, OSB #69140  
Attorney for said Trustee

**SERVE:** Norman E. Yates and/or Nancy R. Yates (Or Current Occupant)  
153030 Collar Drive  
La Pine, OR 97739

# Affidavit of Publication

48940

## STATE 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 # 5038

Notice of Sale/Yates

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: ( 4 )

Four

Insertion(s) in the following issues:

July 17, 24, 31, August 7, 2002

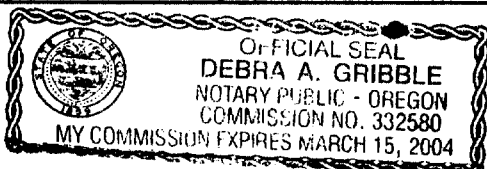
Total Cost: \$661.50

*Larry L. Wells*  
Subscribed and sworn

before me on: August 7, 2002

*Debra A. Grizzle*  
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 made by Norman E. Yates and Nancy R. Yates, as grantor(s), to Glenn H. Prohaska, as trustee, in favor of Conesco Bank, Inc., as beneficiary, dated November 1, 1999, recorded November 8, 1999, in the mortgage records of Klamath County, Oregon, in fee/file/instrument/microfilm/File No. Vol. M99, Page 44422, covering the following described real property situated in said county and state, to wit: Lot 5 in Block 3 of Tract No. 1204, Little River Ranch, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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: TOTAL REQUIRED TO REINSTATE THIS LOAN AS OF 12/18/01 IS: \$3,229.42.

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: TOTAL AMOUNT

DUE TO PAY OFF THIS LOAN AS OF 12/18/01 IS \$85,359.42.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on June 21, 2002 at the hour of 10:00 AM, Standard Time, as established by Section 187.110 Oregon Revised Statutes, 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 June 6, 2002.

WHEREFORE, notice hereby is given that the undersigned trustee will on July 19, 2002, at the hour of 9:30 o'clock AM, which is the new time and place, in accord with the standard of time established by ORS 187.110, at the front steps of Klamath County Courthouse in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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 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 amounts provided by said 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 said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: June 18, 2002. Glenn H. Prohaska, Trustee, 4425 SW Corbett Ave., Portland, OR 97201. (503) 241-0020, Fax (503) 223-6212. #5038 July 17, 24, 31, August 7, 2002.

**After Recording Return To:**

Glenn H. Prohaska  
4425 SW Corbett Avenue  
Portland, Oregon 97201

48941

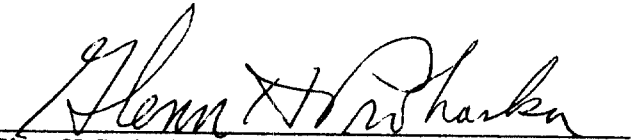
This Space Reserved For Recorder's Use

**CERTIFICATE OF NON-MILITARY SERVICE**

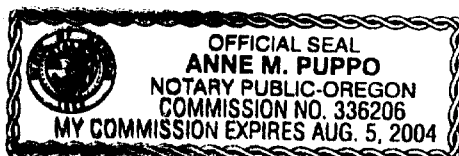
STATE OF OREGON, County of Multnomah ) ss.


THIS IS TO CERTIFY that I am the beneficiary in that certain trust deed in which Norman E. Yates and Nancy R. Yates as grantor, conveyed to Glenn H. Prohaska as trustee, certain real property in Klamath County, Oregon. The trust deed was dated November 1, 1999 and recorded November 8, 1999 in the Records of that county, Recording No./Fee No./ Vol. M99, Page 44422. Thereafter, a Notice of Default with respect to the trust deed was recorded January 25, 2002 as Recording No./Fee No./Vol. M02, Page 5042-43 . Thereafter, the trust deed was duly foreclosed by advertisement and sale, and the real property covered by the trust deed was sold at the trustee's sale on September 6, 2002. I reasonably believe that, at no time during the period of three months and one day immediately preceding the day of the sale, and including the day thereof, was the real property described in and covered by the trust deed, or any interest therein, owned by a person in the military service as defined in Article I of the "Soldiers' and Sailors' Civil Relief Act of 1940," as amended.

In construing this certificate the singular includes the plural, "grantor" includes any successor in interest to the grantor, "trustee" includes any successor trustee, and "beneficiary" includes any successor in interest to the beneficiary named in the trust deed.

  
Glenn H. Prohaska, OSB #69140

Personally appeared before me the above named Glenn H. Prohaska on August 26, 2002 and acknowledged the foregoing to be his voluntary act and deed.



  
NOTARY PUBLIC FOR OREGON  
My Commission expires August 5, 2004