

MTZ 52297

**RECORDING COVER SHEET  
FOR NOTICE OF SALE PROOF  
OF COMPLIANCE, PER ORS 205.234**

Vol M02 Page 59138

*THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON  
PRESENTING THE ATTACHED INSTRUMENT FOR  
RECORDING. ANY ERRORS IN THIS COVER SHEET  
DO NOT AFFECT THE TRANSACTION(S) CONTAINED  
IN THE INSTRUMENT ITSELF.*

State of Oregon, County of Klamath  
Recorded 10/16/2002 2:03 p m.  
Vol M02, Pg 59138-45  
Linda Smith, County Clerk  
Fee \$ 56<sup>00</sup> # of Pgs 8

**AFTER RECORDING RETURN TO**  
*name and address of the person authorized to receive the  
instrument after recording, as required by ORS 205.180(4)  
and ORS 205.238.*

Michael R. Silvey, Esq.  
Foster Pepper & Shefelman LLP  
101 S.W. Main, 15th Floor  
Portland, OR 97204-3233

**MARK NAME(S) OF ALL THE TRANSACTION(S)** described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.

**AFFIDAVIT OF MAILING NOTICE OF SALE** *(must have trustee's notice of sale attached)*

**AFFIDAVIT OF PUBLICATION NOTICE OF SALE**

**PROOF OF SERVICE**

**Original Grantor on Trust Deed**

**Beneficiary**



McMahan's Furniture  
Credit Bureau of Klamath County  
839 Main St.  
Klamath Falls, OR 97601

59140

McMahan's Furniture  
6320 South Sixth St.  
Klamath Falls, OR 97603

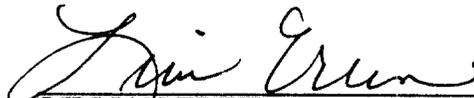
Internal Revenue Service  
915 Second Avenue M/S 246  
Seattle, WA 98174

DW Acceptance Corp.  
P O Box 7580  
Klamath Falls, OR 97602

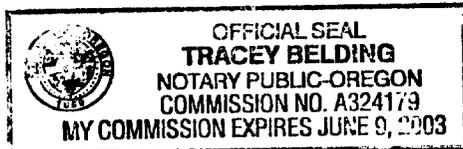
The Amended Trustee's Notice of Sale was given in compliance with ORS 86.755(6) within 30 days after release from stay of the foreclosure proceedings, and the above named persons include all of those persons listed in ORS 86.740 and ORS 86.750(1).

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Michael R. Silvey, attorney for the trustee named in the notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Portland, Oregon on September 28, 2002, 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.

  
LILLIAN ERWIN

SUBSCRIBED AND SWORN to before me this 23rd day of September, 2002, by Lillian Erwin.



  
Notary Public for Oregon  
My Commission Expires: JUNE 9, 2003

**AMENDED TRUSTEE'S NOTICE OF SALE**  
**(after release from stay)**

Reference is made to that certain trust deed made by DINO HERRERA, an unmarried individual, as grantor, to MOUNTAIN TITLE COMPANY, an Oregon corporation, as trustee in favor of WASHINGTON MUTUAL BANK, as beneficiary, dated November 20, 1995, recorded December 5, 1995, in the mortgage records of Klamath County, Oregon, as No. Microfilm Volume 95, Page 33274. Said trust deed was modified by Modification of Deed of Trust dated May 1, 1999 and recorded July 13, 1999, in Volume M99, Page 27962, Microfilm Records of Klamath County, Oregon. The trust deed covers the following described real property situated in the above county and state, to-wit:

Lots 7 and 8 in Block 13 of CHILOQUIN DRIVE ADDITION, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

The property is also known as 646 S. Chiloquin Drive, Chiloquin, OR 97624.

Both the beneficiary and the trustee have elected to sell the 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 payment of \$527.41 due on the November 1, 2000 through January 1, 2001, and monthly payment of \$552.32 from February 1, 2001 through September 23, 2002; plus late charges of \$246.87 through September 23, 2002, plus \$18.99 for every month thereafter the regular monthly payment is more than 15 days late; plus unpaid real property taxes; plus escrow advances, plus any reserve account shortage; less any unapplied funds.

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, the sums being the following, to-wit: \$52,058.99 plus interest thereon at the rate of 7.75% from October 1, 2000 through September 23, 2002; plus late charges of \$246.87 through September 23, 2002, plus \$18.99 for every month thereafter the regular monthly payment is more than 15 days late; plus unpaid real property taxes; plus any reserve account shortage; plus escrow advances, less any unapplied funds; plus all sums expended by beneficiary to protect its interest during the pendency of this proceeding.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on **March 1, 2001**, at the hour of **10:30 a.m.**, and subsequently the amended Notice of Sale stated that the property would be sold on **June 11, 2002**, at 10:30 a.m., in accord with the standard of time established by ORS 187.110 at the following place: the front entrance of the County Courthouse in the City of Klamath Falls, 403 Pine Street, County of Klamath, State of Oregon; however, subsequent to the recording of the Notice of Default the 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. The stay was terminated on September 11, 2002.

WHEREFORE, notice hereby is given that the undersigned trustee will on **Tuesday, October 22, 2002**, at the hour of **10:30 a.m.**, in accord with the standard of time established by ORS 187.110 at the front entrance of the County Courthouse in the City of Klamath Falls, 403 Pine Street, County Klamath, State of Oregon, (which is the new date, time and place set for the sale) sell at public auction to the highest bidder for cash the interest in the above described real 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 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 the above 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 ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, 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: September 23, 2002.

  
 Michael R. Silvey, Successor Trustee

STATE OF OREGON            )  
   ) ss.  
 County of Multnomah        )

I certify that I am the attorney or one of the attorneys for the above named successor trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

FOSTER PEPPER & SHEFELMAN LLP

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 Attorney for Successor Trustee

NOTICE REQUIRED BY THE FAIR DEBT COLLECTION  
PRACTICES ACT, 15 U.S.C. § 1692

1. The amount of the debt is stated in the Amended Trustee's Notice of Sale attached hereto.
2. The beneficiary named in the attached Amended Trustee's Notice of Sale is the creditor to whom the debt is owed.
3. The debt described in the Amended Trustee's Notice of Sale attached hereto will be assumed to be valid by the trustee unless the debtor, within 30 days after the receipt of this notice, disputes the validity of the debt or some portion thereof.
4. If the debtor notifies the trustee in writing within 30 days of receipt of this notice that the debt or any portion thereof is disputed, the trustee will provide verification of the debt, and a copy of the verification will be mailed to the debtor by the trustee.
5. If the creditor named as beneficiary in the attached Amended Trustee's Notice of Sale is not the original creditor, and if the debtor makes a written request to the trustee within 30 days from receipt of this notice, the name and address of the original creditor will be mailed to the debtor by the trustee.
6. Written requests or objections should be addressed to: Michael R. Silvey, Foster Pepper & Shefelman LLP, 101 SW Main, 15th Floor, Portland, OR 97204-3223.

PROOF OF SERVICE

59144

STATE OF OREGON )
) ss.
County of Klamath )

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, along with the Notice Under the Federal Fair Debt Collection Practices Act, upon the OCCUPANTS at the following address:

646 S. CHILOQUIN DRIVE, CHILOQUIN, OREGON 97624, as follows:

Personal service upon Dino Herrera, by delivering said true copy, personally and in person, at the above address on September 26th, 2002 at 1:25 P.m.

Personal service upon, by delivering said true copy, personally and in person, at the above address on, 2002 at : .m.

Substitute service upon Tammy Herrera, by delivering said true copy, at his/her usual place of abode as indicated above, to Dino Herrera who is a person over the age of 14 years and a member of the household on September 26, 2002 at 1:25 P.m.

Substitute service upon, by delivering said true copy, at his/her usual place of abode as indicated above, to who is a person over the age of 14 years and a member of the household on, 2002 at : .m.

I declare under the penalty of perjury that the above statement is true and correct.

[Signature]
Dave Shuck 254655

SUBSCRIBED AND SWORN to before me this 27th day of Sept, 2002 by Dave Shuck



[Signature]
Margaret A. Nielsen
Notary Public for Oregon

