

04 MAR 8 AM 10:23
04 FEB 27 PM 1:52

Vol M04 Page 13054

Vol M04 Page 11468

After recording return to:
BISHOP, LYNCH & WHITE, P.S.
720 Olive Way, #1301
Seattle, WA 98101-1801
Attn:

Harmon, 230-x2269.01

Recorded herewith are the following:

- ☐ Affidavit(s) of Mailing # _____
- ☐ Proof(s) of Service # _____
- ☐ Affidavit of Publication
- ☐ Certificate(s) of Mailing # _____
- ☐ Affidavit of Non-Occupancy

State of Oregon, County of Klamath
Recorded 02/27/2004 1:52 P m
Vol M04 Pg 11468-72
Linda Smith, County Clerk
Fee \$ 4100 # of Pgs 5

State of Oregon, County of Klamath
Recorded 03/08/2004 10:23 A m
Vol M04 Pg 13054-59
Linda Smith, County Clerk
Fee \$ 4600 # of Pgs 6

NOTICE: WE ARE ATTEMPTING TO COLLECT A DEBT, ANY INFORMATION OBTAINED WILL BE USED FOR PURPOSES OF DEBT COLLECTING.

A-5745

AMENDED TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by James R.W. Harmon, Celia D. Harmon, as grantor, to Amerititle, as trustee, in favor of TRANSAMERICA FINANCIAL SERVICES, as beneficiary, dated July 17, 1996, recorded July 30, 1996, in the mortgage records of Klamath County, Oregon, in Vol M96 Page 22997, covering the following described real property situated in said county and state, to-wit:

The Southwesterly 70 feet of Lot 53 and Northeasterly 30 feet of Lot 54, MOYINA, 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, Krista L. White or David Powell, 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:

1.

Monthly Payments:

Delinquent monthly payments from December 1, 2002 through February 1, 2004

15	Payment(s) at	\$1,141.00	\$17,115.00
1	Payment(s) at	539.45	539.45

TOTAL MONTHLY PAYMENTS AND LATE CHARGES

\$17,654.45

2. Delinquent Real Property Taxes, if any.

46A
41A

TOTAL MONTHLY PAYMENTS AND LATE CHARGES

\$17,654.45

2. Delinquent Real Property Taxes, 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, to wit:

~~Unpaid balance is \$ as of . In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property may accrue after the date of this notice.~~

The Notice of Default and the original Notice of Sale given pursuant thereto stated that the property would be sold on November 11, 2003, at the hour of 11:00 AM, as established by Section 187.110, Oregon Revised Statutes at the front entrance of the Klamath County Courthouse, 316 Main St. in the City of Klamath Falls, of Klamath County, State of Oregon, however, subsequent to the recorded of said Notice of default the original sale proceedings were stayed by order of the Court of by proceedings under the National Bankruptcy Act or for other lawful reasons, the beneficiary did not participate in obtaining such stay. Said stay was terminated February 12, 2004.

Notice hereby is 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 ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 11:00 a.m., in accord with the standard of time established by ORS 187.110 on March 19, 2004, at the following place: at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for said sale.

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), paying all advances authorized under the deed of trust, including all costs and expenses incurred in enforcing the obligation and trust deed, 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

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:

Unpaid balance is \$57,987.48 as of February 25, 2004. In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property may accrue after the date of this notice.

The Notice of Default and the original Notice of Sale given pursuant thereto stated that the property would be sold on November 11, 2003, at the hour of 11:00 AM, as established by Section 187.110, Oregon Revised Statutes at the front entrance of the Klamath County Courthouse, 316 Main St. in the City of Klamath Falls, of Klamath County, State of Oregon, however, subsequent to the recorded of said Notice of default the original sale proceedings were stayed by order of the Court of by proceedings under the National Bankruptcy Act or for other lawful reasons, the beneficiary did not participate in obtaining such stay. Said stay was terminated February 12, 2004.

WHEREFORE, notice hereby is given that the undersigned trustee, Krista L. White or David Powell will on March 19, 2004, at the hour of 11:00 a.m. in accord with the standard of time established by ORS 187.110, at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, of Klamath County, 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), paying all advances authorized under the trust deed, including all costs and expenses incurred in enforcing the obligation and trust deed, and by curing any other default complained of therein 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

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deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: February 25th, 2004.


David Powell, Trustee

State of Washington)
) ss.
County of King)

I certify that I know or have satisfactory evidence that David Powell is the person who appeared before me, and said person acknowledged that he signed the attached Trustee's Notice of Sale and acknowledged it to be his free and voluntary act and deed and for the uses and purposes mentioned in the instrument.

Dated this 25th day of February, 2004.




PRINTED NAME:

MARGO COUNTRYMAN

Notary Public in and for the State of Washington, residing at Seattle.
My Commission Expires: 6.19.07

I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale.

For Information Contact:

Bishop, Lynch & White, P.S.
720 Olive Way, #1301
Seattle, WA 98101-1801
(206) 622-7527
Ref: Harmon, 230-x2269.01

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11471

AFFIDAVIT OF MAILING
Amended Trustee's Notice of Sale

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, Apple Yang, 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 Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice. I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy 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:

SEE Exhibit "A" Attached hereto and incorporated herein by this reference.

Said 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 required by ORS 86.785

Each of the notices so mailed was certified to be a true copy of the original notice of sale by David Powell, trustee named in said notice; each such copy was contained in a sealed envelope, 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. Each of said notices was mailed after notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.



Apple Yang

SUBSCRIBED AND SWORN TO before me this 26th day of February, 2004.

PRINTED NAME:

MARGO COUNTRYMAN

NOTARY PUBLIC in and for the State of
Washington residing at SEATTLE.
My Appointment Expires: 6-19-07.

AFTER RECORDING RETURN TO:

BISHOP, LYNCH & White, P.S.
720 Olive Way, Suite 1600
Seattle, WA 98101-1801
Attn: John Edmundson
FORBASEOREGONNOD.FRM REV 2/26/04



EXHIBIT A

GRANTORS and ALL OTHER PARTIES:

James R.W. Harmon
6408 Elder Way
Klamath Falls, OR 97603

Celia D. Harmon
6408 Elder Way
Klamath Falls, OR 97603

Occupants of the Premises
6408 Elder Way
Klamath Falls, OR 97603

City of Klamath Falls
Dept. Finance\Dept. Liens
500 Klamath Ave.
Klamath, OR 97601

First National Bank
South Dakota
6910 Pacific St. #200
Omaha, NE 68106

First National Bank South Dakota
c/o Derrick E. McGavic
P.O. Box 10163
Eugene, OR 97440

James R Harmon
c/o Michael Spencer
419 Main St
Klamath Falls, OR 97601

Celia D. Harmon
c/o Michale Spencer
419 Main St
Klamath Falls, OR 97601

Fred Long
Trustee
POB 467
Eugene, OR 97440