

04 MAR 29 AM 10:49

NJC-63297

Vol M04 Page 17248

AFTER RECORDING RETURN TO:
Hershner Hershner, et al
Attn: Carol Mart
PO Box 1478
Eugene, OR 97440

AFFIDAVIT OF MAILING OF NOTICE OF SALE

STATE OF OREGON)
) ss.
COUNTY OF LANE)

State of Oregon, County of Klamath
Recorded 03/29/2004 10:49 A m
Vol M04 Pg 17248-55
Linda Smith, County Clerk
Fee \$ 56.00 # of Pgs 8

I, NANCY K. CARY, being first duly sworn, depose and say:

1. I am the Successor Trustee of the Trust Deed described in the attached Trustee's Notice of Sale.

2. I served the attached Trustee's Notice of Sale upon the following parties by depositing true copies thereof in the United States Mail at Eugene, Oregon, on November 17, 2003:

Michael J. Miller
5203 Bryant Avenue
Klamath Falls OR 97603

CitiFinancial, Inc.
2848 S. 6th Street, Suite 100
Klamath Falls OR 97603

Tracey V. Miller
5203 Bryant Avenue
Klamath Falls OR 97603

Enterprise Irrigation District
c/o William M. Ganong
Attorney at Law
514 Walnut Avenue
Klamath Falls OR 97601

3. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below their names which, to the best of my knowledge, were their last known addresses as of the date of mailing. The copies were mailed by certified mail, return receipt requested, and by first class mail, with postage prepaid.

Nancy K. Cary

Signed and sworn to before me on November 17, 2003, by NANCY K. CARY.



Notary Public for Oregon
My Commission Expires: 11-23-03

AFFIDAVIT OF MAILING

17249

AFTER RECORDING RETURN TO:
Jefferson State Adjusters, et al
Attn: Carol Mart
PO Box 1476
Klamath, OR 97601

JEFFERSON STATE ADJUSTERS
RECOVERY IS OUR BUSINESS

1135 Pine Street
Klamath Falls, Oregon 97601
Phone: (541) 882-8036 Fax: (541) 883-2129

AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON
COUNTY OF KLAMATH

I, Ed Foreman, being first duly sworn, depose and say: That I am and have been at all material times hereto, a competent person over the age of eighteen years and a resident of the county of Klamath, State of Oregon. I am not a party to, an attorney for, or interested in any suit or action involving the property described below.

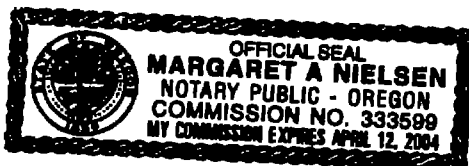
That on the 13th day of November 2003, after personal inspection, I found the following described real property to be unoccupied.

Commonly described as (Street address): **5203 Bryant Avenue**
Klamath Falls, Oregon 97603

I declare under the penalty of perjury that the above statements are true and correct.

Ed Foreman November 13, 2003
Ed Foreman (Signed and Dated)

Subscribed and Sworn to before me this 14th day of November, 2003.



Margaret A. Nielsen
NOTARY PUBLIC OF OREGON
MY COMMISSION EXPIRES: 4-12-04

17250

The following Trustee's Notice of Sale is served on you (if mailed, by certified mail, return receipt requested and first class mail) pursuant to ORS Chapter 86, requiring notice of the foreclosure to be given to the grantor of the trust deed, to certain successors in interest of the grantor and junior lien holders, and to the occupants of the property.

TO:

TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

1. **PARTIES:**

Grantor:	MICHAEL J. MILLER and TRACEY V. MILLER
Trustee:	AMERITITLE
Successor Trustee:	NANCY K. CARY
Beneficiary:	OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON, assignee of Security Bank

2. **DESCRIPTION OF PROPERTY:** The real property is described as follows:

The East one-half of Tract 48 and 49, YALTA GARDENS, according to the official plat thereof in the office of the County Clerk of Klamath County, Oregon.

3. **RECORDING.** The Trust Deed was recorded as follows:

Date Recorded: July 7, 2000
Volume M00, Page 24820
Official Records of Klamath County, Oregon

4. **DEFAULT.** The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$664.00 each, due the first of each month, for the months of July through November 2003; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

5. **AMOUNT DUE.** The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$76,653.97 plus interest at the rate of 7.5% per annum from June 1, 2003; plus late charges of \$88.24; plus advances and foreclosure attorney fees and costs.

6. **ELECTION TO SELL.** The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

7. **TIME OF SALE.**

Date: March 25, 2004
Time: 11:00 a.m. as established by ORS 187.110
Place: Front of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

8. **RIGHT TO REINSTATE.** Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in

enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

Any questions regarding this matter should be directed to Carol Mart, Legal Assistant, (541) 686-8511.

DATED: November 12, 2003.

/s/ Nancy K. Cary

Nancy K. Cary, Successor Trustee
HERSHNER, HUNTER, ANDREWS,
NEILL & SMITH, LLP
P.O. Box 1475
Eugene, OR 97440

FAIR DEBT COLLECTION PRACTICES ACT NOTICE

We are attempting to collect a debt on behalf of the beneficiary named above (also referred to as the "creditor") and any information obtained will be used for that purpose. This debt is owed to the creditor in the amount of described above. Under some circumstances, you may receive more than one copy of this notice. Unless you dispute the validity of this debt, or any portion thereof, in writing within 30 days after your first receipt of the original or a copy of this notice, we will assume the debt to be valid. If you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or (if applicable) a copy of a judgment against you and a copy of the verification or (if applicable) the judgment will be mailed to you. We will provide you with the name and address of the original creditor, if different from the creditor named above, if you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that you request such information. This communication is from a debt collector.

AFFIDAVIT OF MAILING OF AMENDED NOTICE OF SALE

STATE OF OREGON)
) ss.
COUNTY OF LANE)

I, NANCY K. CARY, being first duly sworn, depose and say:

1. I am the Successor Trustee of the Trust Deed described in the attached Amended Trustee's Notice of Sale After Relief From Stay.

2. I served the attached Amended Trustee's Notice of Sale After Relief From Stay upon the following parties by depositing true copies thereof in the United States Mail at Eugene, Oregon, on February 16, 2004:

Michael J. Miller
1707 Wiard Street
Klamath Falls OR 97603

CitiFinancial, Inc.
2848 S. 6th Street, Suite 100
Klamath Falls OR 97603

Tracey V. Miller
5500 Belaire Drive
Klamath Falls OR 97603

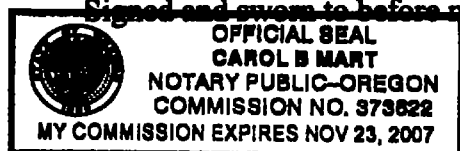
Eric W. Olsen
Attorney at Law
PO Box 12829
Salem OR 97309

Enterprise Irrigation District
c/o William M. Ganong
Attorney at Law
514 Walnut Avenue
Klamath Falls OR 97601

Ronald R. Sticka, Trustee
PO Box 10990
Eugene OR 97440

3. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below their names which, to the best of my knowledge, were their last known addresses as of the date of mailing. The copies were mailed by certified mail, return receipt requested, with postage prepaid.

NANCY K. CARY



Carol B. Mart

Notary Public for Oregon
My Commission Expires: 11-23-07

AFFIDAVIT OF MAILING OF AMENDED NOTICE OF SALE

17253

The following Trustee's Notice of Sale is served on you by certified mail, return receipt requested pursuant to ORS Chapter 86, requiring notice of the foreclosure to be given to the grantor of the trust deed, to certain successors in interest of the grantor and junior lien holders, and to the occupants of the property.

TO:

AMENDED TRUSTEE'S NOTICE OF SALE AFTER RELIEF FROM STAY

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

1. **PARTIES:**

Grantor:	MICHAEL J. MILLER and TRACEY V. MILLER
Trustee:	AMERITITLE
Successor Trustee:	NANCY K. CARY
Beneficiary:	OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON, assignee of Security Bank

2. **DESCRIPTION OF PROPERTY:** The real property is described as follows:

The East one-half of Tract 48 and 49, YALTA GARDENS, according to the official plat thereof in the office of the County Clerk of Klamath County, Oregon.

3. **RECORDING.** The Trust Deed was recorded as follows:

Date Recorded: July 7, 2000
Volume M00, Page 24820
Official Records of Klamath County, Oregon

4. **DEFAULT.** The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$664.00 each, due the first of each month, for the months of July 2003 through February 2004; plus late charges and advances; plus any unpaid real property taxes, plus interest.

5. **AMOUNT DUE.** The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$76,653.97 plus interest at the rate of the rate of 7.5% per annum from June 1, 2003; plus late charges of \$176.48; plus advances and foreclosure attorney fees and costs.

6. **ELECTION TO SELL.** The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

7. The Notice of Default and original Notice of Sale stated that the sale would be held on March 25, 2004 at 11:00 a.m., at Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon. The original sale proceedings were stayed by order of the Bankruptcy Court and the stay was terminated on February 5, 2004.

8. **TIME OF SALE.**

Date: April 29, 2004
Time: 11:00 a.m. as established by ORS 187.110
Place: Front of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

9. **RIGHT TO REINSTATE.** Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all

costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

Any questions regarding this matter should be directed to Carol Mart, Legal Assistant, (541) 686-8511.

DATED: February 16, 2004.

/s/ Nancy K. Cary

NANCY K. CARY, Successor Trustee
HERSHNER, HUNTER, ANDREWS,
NEILL & SMITH, LLP
P.O. Box 1475
Eugene, OR 97440

FAIR DEBT COLLECTION
PRACTICES ACT NOTICE

This communication is from a debt collector.

Affidavit of Publication

17255

STATE OF OREGON, COUNTY OF KLAMATH

I, John T. Walker,
being first duly sworn, depose and say
that I am 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 I know from
my personal knowledge that the

Legal # 6427

Notice of Sale/Miller

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

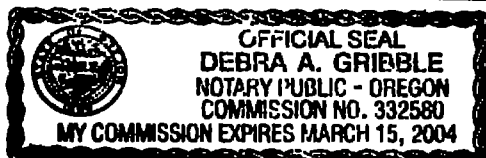
Insertion(s) in the following issues:
February 22, 29, March 7, 14, 2004

Total Cost: \$621.00

John T. Walker
Subscribed and sworn
before me on: March 14, 2004

Debra A. Griddle
Notary Public of Oregon

My commission expires March 15, 2004



AMENDED TRUSTEE'S NOTICE OF SALE AFTER RELIEF FROM STAY

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

1. PARTIES: Grantor: MICHAEL J. MILLER and TRACEY V. MILLER; Trustee: AMERITITLE; Successor Trustee: NANCY K. CARY; Beneficiary: OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON, assignee of Security Bank.

2. DESCRIPTION OF PROPERTY: The real property is described as follows: The East one-half of Tract 48 and 49, YALTA GARDENS, according to the official plat thereof in the office of the County Clerk of Klamath County, Oregon.

3. RECORDING. The Trust Deed was recorded as follows: Date Recorded: July 7, 2000; Volume M00, Page 24820; Official Records of Klamath County, Oregon.

4. DEFAULT. The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay:

Monthly payments in the amount of \$664.00 each, due the first of each month, for the months of July 2003 through February 2004; plus late charges and advances; plus any unpaid real property taxes, plus interest.

5. AMOUNT DUE. The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$76,653.97 plus interest at the rate of the rate of 7.5% per annum from June 1, 2003; plus late charges of \$176.48; plus advances and foreclosure attorney fees and costs.

6. ELECTION TO SELL. The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

7. The Notice of Default and original Notice of Sale stated that the sale would be held on March 25, 2004 at 11:00 AM at Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon. The original sale proceedings were stayed by order of the Bankruptcy Court and the stay was terminated on February 5, 2004.

8. TIME OF SALE. Date: April 29, 2004; Time: 11:00 AM as established by ORS 187.110; Place: Front of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon.

9. RIGHT TO REINSTATE. Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

Any questions regarding this matter should be directed to Carol Mart, Legal Assistant, (541) 686-8511.

Dated: February 16, 2004. Nancy K. Cary, Successor Trustee. Hershner, Hunter, Andrews, Nell & Smith, LLP; PO Box 1475, Eugene, OR 97440. #6427 February 22, 29, March 7, 14, 2004.