

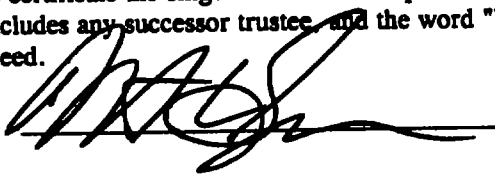
'04 MAY 17 AM 9:31

## CERTIFICATE OF NON-MILITARY SERVICE

STATE OF OREGON, County of Klamath) ss.

THIS IS TO CERTIFY That I am the Successor Trustee in that certain trust deed in which John W. Miller, as grantor, conveyed to First American Title Co., as trustee, certain real property in Klamath County, Oregon; which said trust deed was dated May 23, 2002, and recorded June 18, 2002, in the mortgage records of said county, in Vol. No. M02 at page 35431-33 or as No. ; thereafter a notice of default with respect to said trust deed was recorded January 9, 2004, in Vol. No. M04 at page 01033 of said mortgage records, or as No. ; thereafter the said trust deed was duly foreclosed by advertisement and sale and the real property covered by said trust deed was sold at the trustee's sale on May 17, 2004; I reasonably believe at no time during the period of three months and one day immediately preceding the day of said sale and including the day thereof, was the real property described in and covered by said 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.

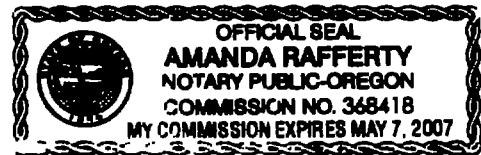
In construing this certificate the singular includes the plural, the word "grantor" includes any successor in interest to the grantor, the word "trustee" includes any successor trustee, and the word "beneficiary" includes any successor in interest to the beneficiary named in said trust deed.



STATE OF OREGON, County of Klamath)ss.

This instrument was acknowledged before me on May 17, 2004, by Michael L. Spencer.

Amanda Rafferty  
Notary Public for Oregon  
My Commission Expires: May 7, 2007



## CERTIFICATE OF NON-MILITARY SERVICE Re Trust Deed from

John W. Miller, Grantor

To

First American Title Co., Trustee

After recording return to: Michael L. Spencer  
96 419 Main St., Klamath Falls, OR 97601

State of Oregon, County of Klamath  
Recorded 05/17/2004 4:31 a.m.  
Vol M04 Pg 30331  
Linda Smith, County Clerk  
Fee \$ 41.00 # of Pgs 5

AFFIDAVIT OF COMPLIANCE WITH ORS 86.759

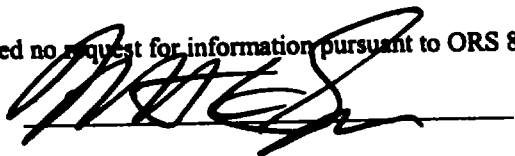
30332

STATE OF OREGON, County of Klamath) ss.

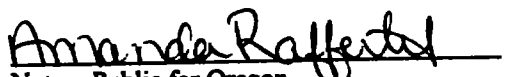
I, Michael L. Spencer, being first duly sworn, depose, and say and certify that:

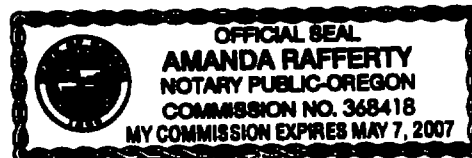
At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I have received no request for information pursuant to ORS 86.757.



Subscribed and sworn to before me this 17 day of May, 2004.

  
Notary Public for Oregon  
My Commission Expires: May 7, 2007



John W. Miller, Grantor

to

First American Title Co., Trustee

After recording return to: Michael L. Spencer  
419 Main St.  
Klamath Falls, OR 97601

## NOTICE OF DEFAULT AND ELECTION TO SELL

Re: Trust Deed From

John W. Miller, Grantor

To

First American Title Co., Trustee

After recording return to:

Michael L. Spencer  
419 Main St.  
Klamath Falls, OR 97601

Reference is made to that certain trust deed made by John W. Miller, as grantor, to First American Title Co. as trustee, in favor of BRC Funding Corporation, as beneficiary, dated May 23, 2002, recorded June 18, 2002, in the mortgage records of Klamath County, Oregon, in Vol. No. M02 at page 35431-33, or as No. , covering the following described real property situated in said county and state, to-wit:

See attached Exhibit A

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of a successor-trustee have been made except as recorded in the mortgage records of the county or counties in which the above described real property is situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by the grantor or other person owing an obligation, the performance of which is secured by said trust deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision; the default for which foreclosure is made is grantor's failure to pay when due the following sums: \$250 per month for July 2003, August 2003, September 2003, October 2003, November 2003, December 2003 and January 2004

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: \$24,739.98 plus interest from 12/31/03 together with the costs of sale.

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 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on May 17, 2004, at the following place: 419 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for said sale.

Other than as shown of record, neither the said beneficiary nor the said trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to the grantor or of any lessee or other person in possession of or occupying the property, except:

NAME AND LAST KNOWN ADDRESS:

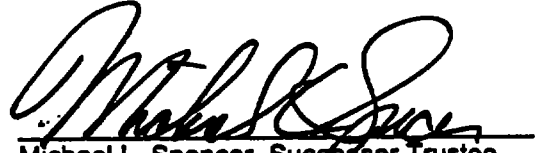
NATURE OF RIGHT, LIEN OR INTEREST:

30334

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.

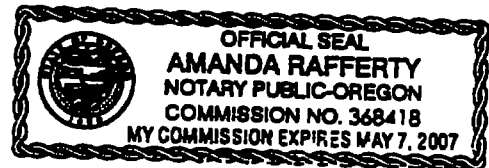
DATED: January 9, 2004

  
Michael L. Spencer, Successor Trustee

STATE OF OREGON, County of Klamath)ss.

This instrument was acknowledged before me on January 9, 2004, by Michael L. Spencer.

  
Notary Public for Oregon  
My Commission expires May 7th, 2007



30335  
35433

DESCRIPTION

The following described real property situate in Klamath County, Oregon:

Parcel 1:

The Southerly 110 feet of the N $\frac{1}{2}$  S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon. EXCEPT that portion lying East of Sprague River.

Parcel 2:

The Northerly 55 feet of the N $\frac{1}{2}$  S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon. Excepting that part that lays East of the Sprague River.

That portion of the S $\frac{1}{2}$  N $\frac{1}{2}$  S $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  that lays East of the access road, and West of the Sprague River, in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

Parcel 3:

That part of the S $\frac{1}{2}$  N $\frac{1}{2}$  S $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  that lays West of the access road as now located on the said property.

TOGETHER WITH a 10 foot wide easement for access to the Sprague River along the South boundary of that part of the S $\frac{1}{2}$  of the N $\frac{1}{2}$  of the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  that lays East of said access road and West of the Sprague River, in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon.