

After Recording Return To:

Glenn H. Prohaska
5901 SW Macadam - Ste. 230
Portland, Oregon 97239

Vol M04 Page 48960

State of Oregon, County of Klamath
Recorded 07/27/004 8:12 a m
Vol M04 Pg 48960-66
Linda Smith, County Clerk
Fee \$ 51.00 # of Pgs 7

04 JUL 27 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.

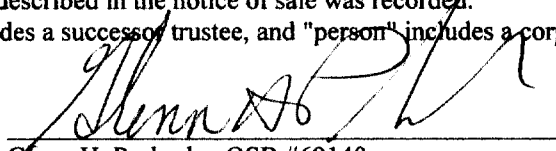
I gave notice of the sale of the real property described in the attached Trustee's Notice of Sale by mailing copies thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective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

| | | | |
|-------|---|----------|---|
| NAME: | Beneficial Oregon, Inc. dba Beneficial Mortgage | ADDRESS: | 1345 Ctr. Dr., Ste. D, Medford, OR 97501 |
| | Jack S. Milner | | 3410 Lind Berg St., Klamath Falls, OR 97601 |
| | Jack S. Milner (or current occupant) | | 3239 Altamont Dr., Klamath Falls, OR 97603 |

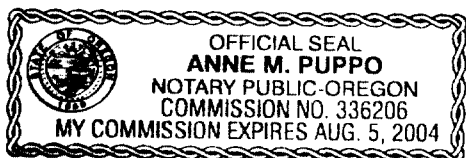
These persons include (a) the grantor in the trust deed; (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice; (c) any person, including the Department of Revenue or any other state agency, having a lien or 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 April 12, 2004. 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 July 23, 2004 and acknowledged the foregoing to be his voluntary act and deed.




NOTARY PUBLIC FOR OREGON
My Commission expires August 5, 2004

KLAMATH COUNTY SHERIFF'S OFFICE - RETURN OF SERVICE

48961

State of Oregon)
County of Klamath)

Court Case No.
Sheriff's Case No. 04-01102

Received for Service 04/14/04

I hereby certify that I received for service on
MILNER, AMANDA ANN
the within:

AMENDEND TRUSTEE'S NOTICE OF SALE

MILNER, AMANDA ANN
was served personally, and in person, at
3239 ALTAMONT
KLAMATH FALLS , OR, on 04/15/04,
at 14:15 hours.

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

Timothy M. Evinger, Sheriff

Klamath County, Oregon

By Terri Alexander
ALEXANDER, TERRI L

Copy to:

PROHASKA, GLENN H
5901 SW MACADAM AVE STE 230
PORTLAND

OR 97239

KLAMATH COUNTY SHERIFF'S OFFICE - RETURN OF SERVICE

State of Oregon)
County of Klamath)

Court Case No.
Sheriff's Case No. 04-01102

48962

Received for Service 04/14/04

I hereby certify that I received for service on
MILNER, JACK SHERIDON
the within:

AMENDEND TRUSTEE'S NOTICE OF SALE

MILNER, JACK SHERIDON

was unable to be located within Klamath County after due and
diligent search and inquiry. I hereby return this process as
Not Found, on 04/15/04, at 14:15 hours.

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

Timothy M. Evinger, Sheriff

Klamath County, Oregon

By 
ALEXANDER, TERRI L

Copy to:

PROHASKA, GLENN H
5901 SW MACADAM AVE STE 230
PORTLAND

OR 97239

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

Reference is made to that certain trust deed made by **Jack S. Milner**, as grantor(s), to Amerititle, as trustee, in favor of Sierra Pacific Mortgage Company, Inc., as beneficiary, dated May 17, 1999, recorded May 20, 1999, in the mortgage records of Klamath County, Oregon, in fee/file/instrument/microfilm/File No. Vol. M99, Page 20069, covering the following described real property situated in said county and state, to wit:

The North one-half of Lot 7 in Block 5 of ALTAMONT ACRES, 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 3239 Altamont Drive, Klamath Falls, Oregon 97603.

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 April 1, 2004 IS: \$4,729.06

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 May 1, 2004 IS: \$62,884.14

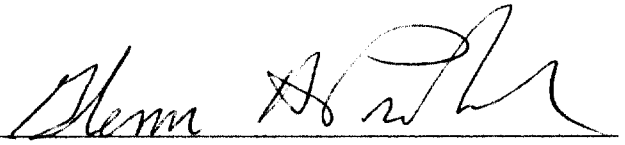
The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on August 20, 2004, at the hour of 10:00 o'clock A.M., Standard Time, as established by Section 187.110 Oregon Revised Statutes, in the City of Klamath Falls, County of Klamath, State of Oregon; 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 March 30, 2004.

WHEREFORE, notice hereby is given that the undersigned trustee will on **August 20, 2004** at the hour of **10:00 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: April 12, 2004


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: Jack S. Milner (Or Current Occupant)
3239 Altamont Drive
Klamath Falls, Oregon 97603

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Jeanine P. Day, 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 I know from my personal knowledge that the

Legal # 6798

Notice of Sale/Milner

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:
June 30, July 7, 14, 21, 2004

Total Cost: \$756.00

Subscribed and sworn

before me on: July 21, 2004

Notary Public of Oregon

My commission expires March 15, 2008

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

Reference is made to that certain trust deed made by Jack S. Milner, as grantor(s), to Amerititle, as trustee, in favor of Sierra Pacific Mortgage Company, Inc., as beneficiary, dated May 17, 1999, recorded May 20, 1999, in the mortgage records of Klamath County, Oregon, in fee/file/instrument/micro-film/File No. Vol. M99, Page 20069, covering the following described real property situated in said county and state, to wit:

The North one-half of Lot 7 in Block 5 of ALTAMONT ACRES, 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 3239 Altamont Drive, Klamath Falls, Oregon 97603.

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 April 1, 2004 IS: \$4,729.06

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 May 1, 2004 IS: \$62,884.14

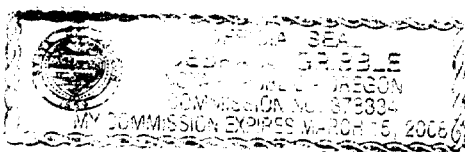
The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on August 20, 2004, at the hour of 10:00 o'clock A.M., Standard Time, as established by Section 187.110 Oregon Revised Statutes, in the City of Klamath Falls, County of Klamath, State of Oregon; 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 March 30, 2004.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 20, 2004 at the hour of 10:00 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:
April 12, 2004
Glenn H. Prohaska,
Trustee
5901 SW Macadam
Ave., Ste. 230
Portland, Oregon
97239
503.241.0020
#6798
June 30, July 7, 14,
21, 2004



After Recording Return To:

Glenn H. Prohaska
5901 SW Macadam - Ste. 230
Portland, Oregon 97239

48966

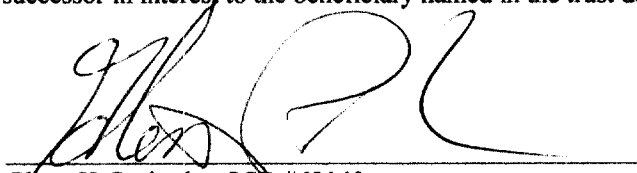
This Space Reserved For Recorder's Use

CERTIFICATE OF NON-MILITARY SERVICE

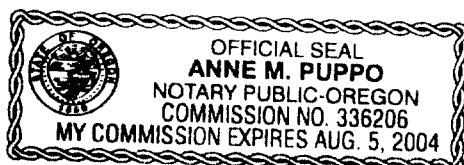
STATE OF OREGON, County of Multnomah) ss.


THIS IS TO CERTIFY that I am the beneficiary in that certain trust deed in which Jack S. Milner as grantor, conveyed to Amerititle as trustee, certain real property in Klamath County, Oregon. The trust deed was dated May 17, 1999 and recorded May 20, 1999 in the Records of that county, Recording No./Fee No./Vol. M99, Page 20069. Thereafter, a Notice of Default with respect to the trust deed was recorded March 2, 2004 as Recording No./Fee No./Vol. M04, Page 1220. 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 August 20, 2004. 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 July 23, 2004 and acknowledged the foregoing to be his voluntary act and deed.




NOTARY PUBLIC FOR OREGON
My Commission expires August 5, 2004