

M05-66341

Klamath County, Oregon

10/12/2005 11:29:39 AM

Pages 4 Fee: \$36.00

AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
Kelly D. Sutherland, Successor Trustee
12500 SE 2nd Circle, Suite 120
Vancouver, WA 98684
03-16923

ATE - 58113

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

STATE OF WASHINGTON, County of Clark, ss:

I, Kelly D. Sutherland, being first duly sworn, depose, and say and certify that: At all times hereinafter mention 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 gave notice of the sale of the real property described in the attached Amended Trustee's Notice of Sale by mailing a copy thereof by registered or certified mail to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

Deanna B. Edwards
5633 Mason Lane
Klamath Falls, OR 97601

Jeffery C. Edwards
5633 Mason Lane
Klamath Falls, OR 97601

Occupant(s)
5633 Mason Lane
Klamath Falls, OR 97601

First Union Home Equity
10220 S.W. Greenburg Road, Suite 210
Portland, Or 97223

First Union National Bank
301 South College Street
Charlotte, Nc 28288

First Union National Bank
C/O Select Servicing Portfolio, Inc.
3815 South West Temple
Salt Lake City, Ut 84165

SN Servicing Corporation
P.O. Box 35
Eureka, Ca 95501

SN Servicing Corporation
323 - 5Th Street
Eureka, Ca 95501

Michael Spencer
Attorney at Law
419 Main Street
Klamath Falls, OR 97601

Fred Long
Chapter 13 Trustee
P.O. Box 467
Eugene, OR 97440

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

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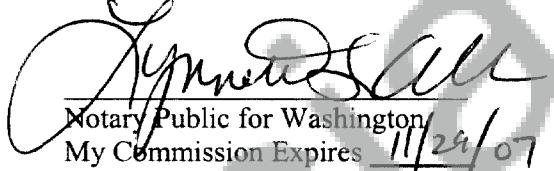
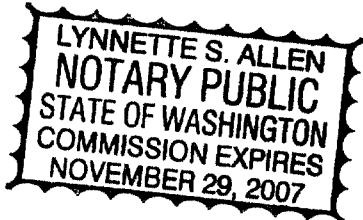
Each of the notices so mailed was certified to be a true copy of the original notice of sale; each such copy was contained in a sealed envelope, with postage thereof fully prepaid, and was deposited by me in the United States post office at Vancouver, Washington, on October 10, 2005, which was within 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.



Kelly D. Sutherland

Subscribed and sworn to before me this 10 day of October, 2005, by Kelly D. Sutherland, Successor Trustee.



Notary Public for Washington
My Commission Expires 11/29/07

Unofficial
Copy

AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
Kelly D. Sutherland, Successor Trustee
12500 SE 2nd Circle, Suite 120
Vancouver, WA 98684
03-16923

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

Reference is made to that certain trust deed made by Jeffery C. Edwards and Deanna B. Edwards, husband and wife, as grantor, to AmeriTitle, as trustee, in favor of Foundation Funding Group, Inc., as beneficiary, dated November 21, 2000, recorded December 4, 2000, in the mortgage records of Klamath County, Oregon, in Volume M00, Page 43575, and re-recorded December 15, 2000, in Volume M00, Page 45021, beneficial interest now held by Washington Mutual Bank, successor by merger to Bank United, covering the described real property in said county and state, to-wit:

Lot 2 in Block 6 of Tract 1016, Green Acres, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon
Commonly Known as: 5633 Mason Lane, Klamath Falls, OR 97601

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:

Monthly payments in the sum of \$962.51 from December 1, 2003, and monthly payments in the sum of \$896.20 from February 1, 2004, and monthly payments in the sum of \$831.56 from May 1, 2004, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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:

\$120,672.74, together with interest thereon at the rate of 7.375% per annum from November 1, 2003, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on February 25, 2004, at 11:00 AM, in accord with the standard of time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 316 Main Street, 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 October 2, 2005.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 7, 2005, at 11:00 AM, in accord with the standard of time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, (which is the new date, time and place set for sale) sell at public auction to the highest bidder foreclose the interest in the said described real property which the grantor has or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his 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 reinstate 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 amount provided by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, 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.

KELLY D. SUTHERLAND, Successor Trustee

Dated 10/10/05

By 

The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose.

State of Washington, County of Clark, ss:

I, the undersigned certify that the foregoing instrument is a complete and exact copy of the original Amended Trustee's Notice of Sale

SHAPIRO & SUTHERLAND, LLC
12500 SE 2nd Circle, Suite 120
Vancouver, WA 98684
Telephone:(360) 260-2253