

1999 DEC 17 PM 2: 29

ASPEN 04049949

Vol M99 Page 49627

WHEN REDORDED MAIL TO:

LAW OFFICES OF STEVEN J. MELMET, INC.
2912 S. Daimler Street
Santa Ana, CA 92705-5811

THE SPACE ABOVE LINE IS FOR RECORDER'S USE ONLY

T.S. NO.: 99-15666-C
LOAN NO.: 0184440

**AFFIDAVITS OF MAILING, PUBLICATION, AND SERVICE
OF NOTICE OF DEFAULT AND ELECTION TO SELL
AND TRUSTEE'S NOTICE OF SALE**

A/40-

T.S. NO.: 99-15666-C
LOAN NO.: 0184440

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF CALIFORNIA
COUNTY OF ORANGE

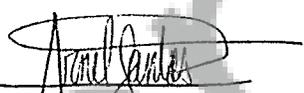
I, **ARNEL SANTOS**, being first duly sworn, depose, say and certify that: At all times hereinafter mentioned I was and now am a resident of the State of CALIFORNIA, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original or copy of notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of sale of the real property described in the attached notice of sale by mailing a copy thereof by registered or certified mail and regular mail to each of the following named person's at their last known address, attached hereto.

Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of records or whose interest the trustee or the beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.785, and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed were certified to be a true copy of the original notice of sale by **A. Fragassi**, for **FIDELITY NATIONAL TITLE INSURANCE COMPANY**, the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Santa Ana, CA on 9/9/99. Each of said notices was mailed after the notice of default and election to sell described in said Notice of Sale was recorded and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale.

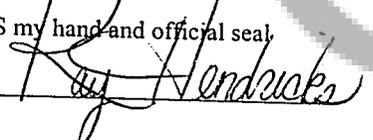
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

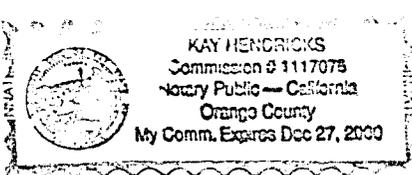


ARNEL SANTOS

STATE OF CALIFORNIA
COUNTY OF ORANGE

On December 16, 1999 before me, the undersigned, A Notary Public in and for said State, personally appeared **ARNEL SANTOS** personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.
Signature 



AFFIDAVIT OF NON-OCCUPANCY

STEVEN J. MELMET
 T.S. #99-15666-C
 PPP #124922

STATE OF OREGON
 COUNTY OF

I, Jeffrey K. Hamar, 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 14th day of September, 1999, after personal inspection, I found the following described real property to be unoccupied. 4910 Weyerhaeuser Road, Klamath Falls, Oregon 97601 September 14, 1999 10:11 A.M. 4910 Weyerhaeuser Road appears to be vacant. Power was off. Yard is unkept and there are boxes of garbage in the front and back yard and the shed in the back is open and empty. The water is off for the outside faucet. Neighbor in 4890 said it had been vacant for sometime. There was a U.P.S. notice from 9-13-99 stuck to the door.

Commonly described as (Street address) 4910 Weyerhaeuser Road, Klamath Falls, OR 97601

Jeffrey K. Hamar September 16, 1999
 (Signed and Dated)
 Jeffrey K. Hamar

Subscribed and Sworn to before me this 16 day of September, 1999.



Sandra C Cox
 NOTARY PUBLIC OF OREGON
 MY COMMISSION EXPIRES:

12492 Melmet
49630

Affidavit of Publication

STATE OF OREGON,
COUNTY OF KLAMATH

I, Larry L. Wells, 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 the

Legal # 2605

Trustee's Notice

a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for four

(4) insertion(s) in the following issues:

September 15, 22, 29 October 6, 1999

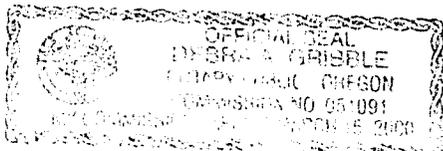
Total Cost: \$1161.00

Subscribed and sworn before me this 6th
day of October 19 99

Debra A. Stubbe

Notary Public of Oregon

My commission expires 3-15 20 00



**TRUSTEE'S NOTICE
OF SALE**

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq. Trustee No.: 99-15666-C Reference is made to that certain Trust Deed made by Duane Potter, an unmarried man, as Grantor, to mountain title company of Klamath County, as Trustee, in favor of Highland Community Federal Credit Union, as Beneficiary, dated 6/15/95, recorded 6/21/95, in the mortgage records of Klamath, Oregon, as Instrument No. 1829, in Book M95, Page 16260. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Highland Community Federal

Credit Union. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: The West 100 feet of lots 19 and 20, block 24, West Klamath, in the County of Klamath, state of Oregon. The street address or other common designation, if any, of the real property described above is purported to be: 4910 Weyerhaeuser Rd. Klamath Falls, Oregon 97601. The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation. Both the beneficiary and the trustee have elected to sell the 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: From: 4/1/1999 Int. Rate: 8.25 No. PMT: 10. Amount: \$356.50. Impound: Total: \$3,656.00. Late Charges: \$155.50. Advances and Adjust-

ments Schedule: Description: Interest Rate: Amount: Total Interest on Advances and Adjustments: \$0.00 Grand Total: \$3,720.50 Also, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and Deed of Trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be con-

firmed by contacting the undersigned Trustee. 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: The installment of principal and interest which became due on 4/1/99 and all subsequent installments, together with late charges as set forth in said note and deed of trust, advances assessments and attorney fees, if any. Nothing in this notice shall be construed as a waiver of any fees owing to the beneficiary under the deed of trust pursuant to the terms of the loan documents. Wherefore, notice hereby is given that the undersigned trustee will, on 1/14/2000, at the hour of 10:00 a.m. in accord with the standard of time established by O.R.S. 187.110 at the following place; at the main entrance to the Klamath County Courthouse, 507 Main St., Klamath Falls, Oregon. By reason of said default, the beneficiary has de-

clared all sums owing on the obligation secured by said Trust Deed immediately due and payable, said sums being the following: The installment of principal and interest which became due on 4/1/99 and all subsequent installments, together with late charges as set forth in said note and deed of trust, advances assessments and attorney fees, if any. Nothing in this notice shall be construed as a waiver of any fees owing to the beneficiary under the deed of trust, pursuant to the terms of the loan documents. Notice hereby is given that the beneficiary and current trustee, Fidelity National Title Insurance Company, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by Advertisement and sale pursuant to O.R.S. 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 execution by him of the Trust Deed, together with any interest the Grantor or his 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 a.m. in accord with the standard of time established by O.R.S. 187.110 on 1/14/2000 at the following place: At the main entrance to the Klamath County Courthouse, 507 Main Street, Klamath Falls, Oregon 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 O.R.S. 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 of 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 O.R.S. 86.753. In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes 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: September 02, 1999 Fidelity National Title Insurance Company. By A. Fragassi, 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 has or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the Grantor 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 reasonable charge by the trustee. Notice is further given that any person named in O.R.S. 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 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. In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes 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: September 02, 1999 Fidelity National Title Insurance Company. By A. Fragassi. For further information, please contact: Fidelity National Insurance Company 401 S.W. 4th Avenue Portland, OR 97204 C/O Law Offices of Steven J. Melment, INC. (949) 263-1000, State of California County of Orange)ss. I certify that I, A. Fragassi am an authorized representative of Fidelity National Insurance Title Company, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale. A. Fragassi, Authorized Representative of Trustee. This is an attempt to collect a debt and any information obtained will be used for that purpose. #2605 September 15, 22, 29; October 6, 1999



TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.
Trustee No.: 99-15666-C

49632

Reference is made to that certain Trust Deed made by DUANE POTTER, AN UNMARRIED MAN, as Grantor, to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY, as Trustee, in favor of HIGHLAND COMMUNITY FEDERAL CREDIT UNION, as Beneficiary, dated 6/15/95, recorded 6/21/95, in the mortgage records of KLAMATH, Oregon, as Instrument No. 1829, in Book M95, Page 16260. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by HIGHLAND COMMUNITY FEDERAL CREDIT UNION. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

The street address or other common designation, if any, of the real property described above is purported to be:

4910 WEYERHAEUSER RD.
KLAMATH FALLS, OREGON 97601

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

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:

<u>FROM</u>	<u>INT. RATE</u>	<u>NO. PMT</u>	<u>AMOUNT</u>	<u>IMPOUND</u>	<u>TOTAL</u>
4/1/1999	8.25	10	\$356.50		\$3,565.00

Late Charges: \$155.50

Advances & Adjustments Schedule:

<u>DESCRIPTION</u>	<u>INTEREST RATE</u>	<u>AMOUNT</u>
Total Interest on Advances & Adjustments:		\$0.00

Grand Total: \$3,720.50

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and Deed of Trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

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:

THE INSTALLMENT OF PRINCIPAL AND INTEREST WHICH BECAME DUE ON 4/1/99 AND ALL SUBSEQUENT INSTALLMENTS, TOGETHER WITH LATE CHARGES AS SET FORTH IN SAID NOTE AND DEED OF TRUST, ADVANCES, ASSESSMENTS AND ATTORNEY FEES, IF ANY. NOTHING IN THIS NOTICE SHALL BE CONSTRUED AS A WAIVER OF ANY FEES OWING TO THE BENEFICIARY UNDER THE DEED OF TRUST, PURSUANT TO THE TERMS OF THE LOAN DOCUMENTS.

WHEREFORE, notice hereby is given that the undersigned trustee will, on 1/14/2000, at the hour of 10:00 AM in accord with the standard of time established by O.R.S. 187.110 at the following place;
AT THE MAIN ENTRANCE TO THE KLAMATH COUNTY COURTHOUSE, 507 MAIN STREET, KLAMATH FALLS, OREGON

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 has or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the Grantor 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 reasonable charge by the trustee.

Notice is further given that any person named in O.R.S. 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 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.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes 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: **September 02, 1999**

**FIDELITY NATIONAL TITLE INSURANCE
COMPANY**

By

A. Fraggassi
A. Fraggassi

For further information, please contact:

FIDELITY NATIONAL TITLE INSURANCE COMPANY
401 S.W. 4TH AVENUE
PORTLAND, OR 97204
C/O LAW OFFICES OF STEVEN J. MELMET, INC.
(949) 263-1000

STATE OF California }
COUNTY OF Orange } ss.

I certify that I, A. Fraggassi am an authorized representative of FIDELITY NATIONAL TITLE INSURANCE COMPANY, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

A. Fraggassi
Authorized Representative of Trustee

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

State of Oregon, County of Klamath
Recorded 12/17/99, at 2:29pm.
In Vol. M99 Page 49627
Linda Smith,
County Clerk Fee \$ 40⁰⁰