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Vol M02 Page 2249

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

FIDELITY NATIONAL TITLE
 TRUSTEE'S SALE NO.: 2001-25888-D
 LOAN NO.: 1001338225

State of Oregon, County of Klamath
 Recorded 01/14/2002 3:02 p. m.
 Vol M02, Pg 2249-2253
 Linda Smith, County Clerk
 Fee \$ 41.00 # of Pgs 5

Space Above This Line For Recorder's Use

1014861**NOTICE OF DEFAULT AND ELECTION TO SELL**

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.

Reference is made to that certain Trust Deed made by: JOSHUA F. MONK, A SINGLE MAN, as Grantor to ASPEN TITLE, as Trustee, in favor of INDYMAC BANK, F.S.B., as Beneficiary, dated 3/9/2001 recorded 3/13/2001, in the mortgage records of KLAMATH County, Oregon, as Instrument No. , Book M01, Page 10085, covering the following described real property situated in said county and state, to-wit:

LOT 671, BLOCK 116, MILLS ADDITION TO THE CITY OF KLAMATH FALLS, 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:

**2205 APPLGATE AVENUE
 KLAMATH FALLS, OR 97601**

The undersigned trustee, FIDELITY NATIONAL TITLE INSURANCE COMPANY, 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 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 O.R.S. 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:

<u>FROM</u>	<u>INT. RATE</u>	<u>NO. PMT</u>	<u>AMOUNT</u>	<u>IMPOUND</u>	<u>TOTAL</u>
6/1/2001	10.25	12	\$408.62	\$91.50	\$6,001.44

Late Charges: \$245.16

ADVANCES: AMOUNT

Grand Total: \$6,246.60

TOGETHER WITH ANY DEFAULT IN THE PAYMENT OF RECURRING OBLIGATIONS AS THEY BECOME DUE.

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:

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The unpaid principal balance of **\$45,580.88** together with interest thereon at the current rate of **10.25%** per annum from **5/1/2001** until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

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 AM** in accord with the standard of time established by O.R.S. 187.110 on **5/24/2002** at the following place:

**AT THE MAIN ENTRANCE TO THE KLAMATH COUNTY COURTHOUSE, 316 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: **January 10, 2002**

**FIDELITY NATIONAL TITLE INSURANCE
COMPANY**

By *A. Fragassi*

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 CA }
COUNTY OF OR } ss.

On 1/11/02, I certify that I know or have satisfactory evidence that Andy Fragassi is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

[Signature], Notary Public
My Commission Expires:



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

TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.

Trustee No.: 2001-25888-D

Reference is made to that certain Trust Deed made by **JOSHUA F. MONK, A SINGLE MAN**, as Grantor, to **ASPEN TITLE**, as Trustee, in favor of **INDYMAC BANK, F.S.B.**, as Beneficiary, dated 3/9/2001, recorded 3/13/2001, in the mortgage records of **KLAMATH, Oregon**, as Instrument No. , in Book **M01**, Page **10085**. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by **BANKERS TRUST COMPANY OF CALIFORNIA, N.A. AS TRUSTEE BY INDYMAC BANK, F.S.B. AS ATTORNEY-IN-FACT**. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 671, BLOCK 116, MILLS ADDITION TO THE CITY OF KLAMATH FALLS, 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:

**2205 APPLGATE AVENUE
KLAMATH FALLS, OR 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>
6/1/2001	10.25	12	\$408.62	\$91.50	\$6,001.44

Late Charges:	\$245.16
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<u>ADVANCES:</u>	<u>AMOUNT</u>
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Grand Total:	\$6,246.60
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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 unpaid principal balance of **\$45,580.88** together with interest thereon at the current rate of **10.25%** per annum from **5/1/2001** until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

WHEREFORE, notice hereby is given that the undersigned trustee will, on **5/24/2002**, 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, 316 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: January 10, 2002

**FIDELITY NATIONAL TITLE INSURANCE
COMPANY**

By A. Fragassi

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 CA }
COUNTY OF OR } ss.

I certify that I, ANDY Fragassi 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. Fragassi
Authorized Representative of Trustee

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