

'02 APR 15 PM 2:49

Vol M02 Page 22050

WHEN RECORDED MAIL TO:

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

State of Oregon, County of Klamath

Recorded 04/15/2002 2:49 p m.

Vol M02, Pg 22050-59

Linda Smith, County Clerk

Fee \$ 71⁰⁰ # of Pgs 10

K58093

THE SPACE ABOVE LINE IS FOR RECORDER'S USE ONLY

T.S. NO.: 2001-27292-C

LOAN NO.: 0002394138

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

*K66'
+5
71-*

T.S. NO.: 2001-27292-C
 LOAN NO.: 0002394138

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF CALIFORNIA
 COUNTY OF ORANGE

I, **TERI VON ACHEN**, 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 **LUIS CERDA**, for **LAW OFFICES OF STEVEN J. MELMET, INC.**, 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 1/7/2002. 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.



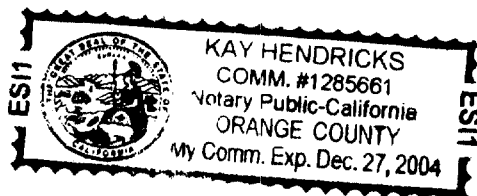
 TERI VON ACHEN

STATE OF CALIFORNIA
 COUNTY OF ORANGE

On **April 08, 2002** before me, the undersigned, A Notary Public in and for said State, personally appeared **TERI VON ACHEN** 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 _____



T.S. No. 2001-27292-C

NOTICES WERE SENT TO THE FOLLOWING PARTIES:

<u>NAME</u>	<u>ADDRESS</u>
BRETT TA JOHNSON	5943 HARPOLD ROAD BONANZA, OREGON 97623
BRETT TA JOHNSON	6071 ALAMEDA RAOD CORNING, CA 96021

2001-27292-D

22053

Klamath County, Oregon
FIRST FRANKLIN FINANCIAL CORPORATION, beneficiary
BRETT TA JOHNSON, grantor
STEVEN J MELMET INC, trustee/successor trustee
REF # P-165920

AFFIDAVIT OF SERVICE

I hereby certify that according to the records maintained in this office, Ed Foreman is a competent person 18 years of age or older and meets the requirements in the state of service, and is not the beneficiary of trustee named in the original trustee's Notice of Sale, nor the successor of either, nor an officer, director, employee of or attorney for the beneficiary or trustee, or successor of either, corporate or otherwise.

I further certify that Ed Foreman made service of the foregoing **TRUSTEE'S NOTICE OF SALE** upon the **OCCUPANTS of 5943 HARPOLD RD, BONANZA, OR 97623**, named below, by delivering or leaving true copies of said documents, as follows:

NON-OCCUPANCY

On **January 7, 2002**, found the property at **5943 HARPOLD RD, BONANZA, OR 97623**, to be unoccupied.

Gloria Carter
(signature)
Gloria Carter

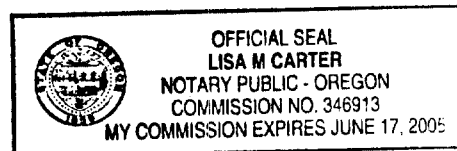
STATE OF OREGON, County of Washington.
Signed and affirmed before me on January 27, 2002.

(SEAL)

Lisa M. Carter
NOTARY PUBLIC - OREGON

My commission expires: 6-17-05

CLIENT: PRIORITY POSTING & PUBLISHING REF # P-165920
IPSH 15153



INTERSTATE PROCESS SERVING, INC. * P.O. Box 422, Beaverton OR 97075 * (503) 526-8850
members of
Oregon Association of Process Servers
National Association of Professional Process Servers
Washington State Process Servers Association

Affidavit of Publication

22054

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 # 4612

Notice of Sale/Johnson

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:
February 14, 21, 28, March 7, 2002

Subscribed and sworn

before me on: March 7, 2002

Notary Public of Oregon

My commission expires March 15, 2004

TRUSTEE'S NOTICE OF SALE Pursuant to ORS 86.705, et seq. and ORS 79.5010, et seq. Trustee No. 2001- 27292-D

Reference is made to that certain Trust Deed made by **BRETT A JOHNSON, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY**, as Grantor, to **CHICAGO TITLE INSURANCE COMPANY**, as Trustee, in favor of **FIRST FRANKLIN FINANCIAL CORPORATION**, as Beneficiary, dated 3/26/99, recorded 4/12/99, in the mortgage records of **KLAMATH, OREGON**, as Instrument No. 12974, in Book, page. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by **NATIONSCREDIT HOME EQUITY SERVICES**. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

EXHIBIT "A"
A tract of land situated in the E 1/2 of the NW 1/4 of Section 29, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West line of the said E 1/2 of the NW 1/4 said point being South 89 degree 58' 36" East 1,319.48 and North 00 degree 17' 46" East 594.09 feet from the West 1/4 corner of said Section 29; thence North 00 degree 7' 46" East along the West line of the said E 1/2 of

the NW 1/4 993.05 feet; thence South 89 degree 42' 14" East 60.00 feet; thence South 35 degree 21' 30" East 486.98 feet; thence South 54 degree 16' 48" East 220.90 feet; thence South 48 degree 26' 22" West 703.35 feet to the point of beginning.

The street address or other common designation, if any, of the real property described above is purported to be: 5943 HARPOLD ROAD, BONANZA, OREGON 97623. The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

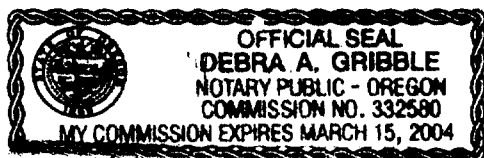
Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and a Notice of Default has been recorded pursuant to Oregon Revised Statutes 86.735 (3); the default for which the foreclosure is made is Grantor's failure to pay when due, the following sums:
FROM: 6/1/2002;
INT. RATE: 9.375;
NO. PMT: 12;
AMOUNT: \$804.00;
IMPOUND: ;
TOTAL: \$9,648.00; Late Charges: \$442.20;
ADVANCES: L/C;
AMOUNT: \$235.77;
GRAND TOTAL: \$10,325.97.

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 bene-

ficiary 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 \$95,321.56 together with interest thereon at the current rate of 9.375% 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 5/8/2002, at the hour of 10:00 AM in accord with the standard of time established by ORS 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 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 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: December 23, 2001. By: Luis Cerda, First American Title Company. For further information, please contact: First American Title Ins. Co., 200 SW Market St., Suite 250, Portland, OR 97201-5730. C/O Law Offices of Steven J. Melmet, Inc. (949) 263-1000. P165920, 2/13, 2/20, 2/27, 3/6/02. #4612 February 14, 21, 28, March 7, 2002.

AFFIDAVIT OF MAILING

22056

TS: 2001-27292-D

DATE: January 07, 2002

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in Orange County at 2912 S. Daimler, Santa Ana, CA 92705 by Law Offices of Steven J. Melmet, and is not a party to the within action; and that on the date set forth above, (s)he personally served the Notice of Default / Trustee Sale, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, certified or registered mail and regular mail or as otherwise indicated below, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.



I declare under penalty of perjury that the foregoing is true and correct.

BRETT TA JOHNSON
5943 HARPOLD ROAD
BONANZA, OREGON 97623
CERTIFIED:71086095528004734382

BRETT TA JOHNSON
5943 HARPOLD ROAD
BONANZA, OREGON 97623
First Class

BRETT TA JOHNSON
6071 ALAMEDA RAOD
CORNING, CA 96021
CERTIFIED:71086095528004734399

BRETT TA JOHNSON
6071 ALAMEDA RAOD
CORNING, CA 96021
First Class

TRUSTEE'S NOTICE OF SALE**22057**

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

Trustee No.: 2001-27292-D

Reference is made to that certain Trust Deed made by **BRETT TA JOHNSON, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY**, as Grantor, to **CHICAGO TITLE INSURANCE COMPANY**, as Trustee, in favor of **FIRST FRANKLIN FINANCIAL CORPORATION**, as Beneficiary, dated 3/26/99, recorded 4/12/99, in the mortgage records of **KLAMATH, OREGON**, as Instrument No. 12974, in Book , Page . The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by **NATIONSCREDIT HOME EQUITY SERVICES**. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

SEE ATTACHED EXHIBIT "A" LEGAL DESCRIPTION HERETO AND MADE A PART HEREOF.

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

**5943 HARPOLD ROAD
BONANZA, OREGON 97623**

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	9.375	12	\$804.00		\$9,648.00

Late Charges: \$442.20

<u>ADVANCES:</u>	<u>AMOUNT</u>
L/C	\$235.77

Grand Total: \$10,325.97

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 \$95,321.56 together with interest thereon at the current rate of 9.375% 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 5/8/2002, 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.

22058

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: December 23, 2001

First American Title Company
By *[Signature]*

For further information, please contact:

FIRST AMERICAN TITLE INSURANCE COMPANY
200 S.W. MARKET STREET, SUITE 250
PORTLAND, OR 97201-5730
C/O LAW OFFICES OF STEVEN J. MELMET, INC.
(949) 263-1000

STATE OF *California* }
COUNTY OF *ORANGE* } ss.

I certify that I, *Luis Cella* am an authorized representative of LAW OFFICES OF STEVEN J. MELMET, INC., Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

[Signature]
Authorized Representative of Trustee

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

22059

Exhibit "A"

- A tract of land situated in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 29, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West line of the said E $\frac{1}{2}$ of the NW $\frac{1}{4}$ said point being South 89°58'36" East 1,319.48 feet and North 00°17'46" East 594.09 feet from the West $\frac{1}{4}$ corner of said Section 29; thence North 00°17'46" East along the West line of the said E $\frac{1}{2}$ of the NW $\frac{1}{4}$ 993.05 feet; thence South 89°42'14" East 60.00 feet; thence South 35°21'30" East 486.98 feet; thence South 54°16'48" East 220.90 feet; thence South 48°26'22" West 703.35 feet to the point of beginning.