

'02 APR 17 PM 2:32

Vol M02 Page 22651

WHEN RECORDED MAIL TO:

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

FIDELITY NATIONAL TITLE
1014861

State of Oregon, County of Klamath
Recorded 04/17/2002 2:32 p m.
Vol M02, Pg 22651-60
Linda Smith, County Clerk
Fee \$ 166.00 # of Pgs 10

THE SPACE ABOVE LINE IS FOR RECORDER'S USE ONLY

T.S. NO.: 2001-25888-D
LOAN NO.: 1001338225

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

*Unofficial
Copy*

WNA

T.S. NO.: 2001-25888-D
 LOAN NO.: 1001338225

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF CALIFORNIA
 COUNTY OF ORANGE

I, **TERI VON ACHEM**, 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 record 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 1/24/2002. 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.

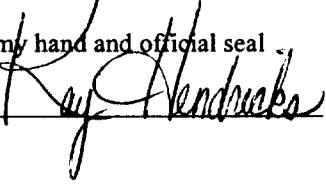
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

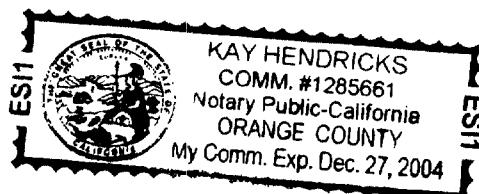

 TERI VON ACHEM

STATE OF CALIFORNIA
 COUNTY OF ORANGE

On April 14, 2002 before me, the undersigned, A Notary Public in and for said State, personally appeared **TERI VON ACHEM** 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 



NOTICES WERE SENT TO THE FOLLOWING PARTIES:

<u>NAME</u>	<u>ADDRESS</u>
JOSHUA F. MONK	2205 APPLEGATE AVENUE KLAMATH FALLS, OR 97601
VALERIE B. MOREHOUSE C/O ASPEN TITLE & ESCROW, INC.	525 MAIN ST KLAMATH FALLS, OR 97601
DANIEL J. MOREHOUSE C/O ASPEN TITLE & ESCROW, INC.	525 MAIN ST KLAMATH FALLS, OR 97601
VALERIE B. MOREHOUSE	5241 SHASTA WAY KLAMATH FALLS, OR 97603
DANIEL J MOREHOUSE	5241 SHASTA WAY KLAMATH FALLS, OR 97603

*unofficial
copy*

AFFIDAVIT OF MAILING

22654

TS: 2001-25888-D

DATE: January 24, 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.

JOSHUA F. MONK
2205 APPLEGATE AVENUE
KLAMATH FALLS, OR 97601
CERTIFIED:71086095528005557263

JOSHUA F. MONK
2205 APPLEGATE AVENUE
KLAMATH FALLS, OR 97601
First Class

VALERIE B. MOREHOUSE
C/O ASPEN TITLE & ESCROW, INC.
525 MAIN ST
KLAMATH FALLS, OR 97601
CERTIFIED:71086095528005557270

VALERIE B. MOREHOUSE
C/O ASPEN TITLE & ESCROW, INC.
525 MAIN ST
KLAMATH FALLS, OR 97601
First Class

DANIEL J. MOREHOUSE
C/O ASPEN TITLE & ESCROW, INC.
525 MAIN ST
KLAMATH FALLS, OR 97601
CERTIFIED:71086095528005557287

DANIEL J. MOREHOUSE
C/O ASPEN TITLE & ESCROW, INC.
525 MAIN ST
KLAMATH FALLS, OR 97601
First Class

AFFIDAVIT OF MAILING

22655

TS: 2001-25888-D

DATE: January 24, 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.

VALERIE B. MOREHOUSE
5241 SHASTA WAY
KLAMATH FALLS, OR 97603
CERTIFIED:71086095528005557294

VALERIE B. MOREHOUSE
5241 SHASTA WAY
KLAMATH FALLS, OR 97603
First Class

DANIEL J MOREHOUSE
5241 SHASTA WAY
KLAMATH FALLS, OR 97603
CERTIFIED:71086095528005557300

DANIEL J MOREHOUSE
5241 SHASTA WAY
KLAMATH FALLS, OR 97603
First Class

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

22656

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 APPLEGATE 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:

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

Late Charges: \$245.16

ADVANCES:	AMOUNT
------------------	---------------

Grand Total: \$6,246.60

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 OR }
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.

2001-25888-D

Klamath County, Oregon
INDYMAC BANK, beneficiary
JOSHUA F. MONK, grantor
STEVEN J. MELMET INC., trustee/successor trustee
REF # P-167016

22658

AFFIDAVIT OF SERVICE

I hereby certify that according to the records maintained in this office, Dave Shuck 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 or attorney for the beneficiary or trustee, or successor of either, corporate or otherwise.

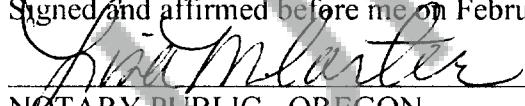
I further certify that Dave Shuck made service of the foregoing TRUSTEE'S NOTICE OF SALE upon the OCCUPANTS of 2205 APPLEGATE AVE., KLAMATH FALLS, OR 97601, named below, by delivering or leaving true copies of said documents, as follows:

NON-OCCUPANCY

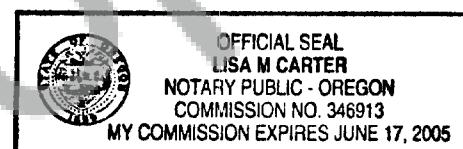
On **January 23, 2002**, found the property at **2205 APPLEGATE AVE., KLAMATH FALLS, OR 97601**, to be unoccupied.


(signature)
Gloria Carter

STATE OF OREGON, County of Washington.
Signed and affirmed before me on February 3, 2002.


(SEAL)
NOTARY PUBLIC - OREGON

My commission expires: 10-17-05
CLIENT: PRIORITY POSTING & PUBLISHING REF # P-167016
IPS# 15332



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

22659

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 # 4654

Notice of Sale/Monk

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:

March 6, 13, 20, 27, 2002

Subscribed and sworn

before me on: March 27, 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:
2001-25888-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, FSB, 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, NA AS TRUSTEE BY INDYMAC BANK, FSB 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 APPLEGATE AVENUE, KLA- MATH FALLS, OR 97601. The under-signed 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: 6/1/2001; INT. RATE: 10.25; NO. PMT: 12; AMOUNT: \$408.62; IMPOUND: \$91.50; TOTAL: \$6,081.45; Late Charges: \$245.16; ADVANCES: AMOUNT: Grand Total: \$6,246.60.

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.

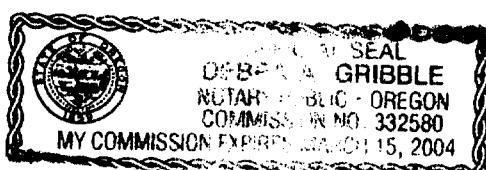
By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable, said sums being the following:

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 ORS 187.110 at the following place: AT THE MAIN ENTRANCE TO THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET, KLA- MATH FALLS, OREGON, County of KLAMATH, State of Oregon, sell at public auction to the highest bidder for cash, the interest to 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



22660

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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. By: A. Fraggiassi, Fidelity National Title Insurance Company, 401 SW 4th Ave., Portland, OR 97204. C/O Law Offices of Steven J. Melmet, Inc. (949) 263-1000.

P167016, 3/6, 3/13, 3/20, 3/27/02. This is an attempt to collect a debt and any information obtained will be used for that purpose.
#4654 March 6, 13, 20, 27, 2002.

unofficial
copy