

02 JUN 27 PM 2:48

State of Oregon, County of Klamath
Recorded 06/27/2002 2:48 p. m.
Vol M02, Pg 37145-53
Linda Smith, County Clerk
Fee \$ 76⁰⁰ # of Pgs 9

**RECORDING COVER SHEET FOR
NOTICE OF SALE PROOF OF COMPLIANCE
Per ORS 205.234**

1029009 / K58163

**AFTER RECORDING RETURN TO:
FIRST AMERICAN TITLE INSURANCE COMPANY
400 Countrywide Way SV-35
Simi Valley, CA 93065**

TS No.: 019282461

1. AFFIDAVIT OF IRS MAILING NOTICE OF SALE
- / 2. AFFIDAVIT OF PUBLICATION NOTICE OF SALE
- / 3. AFFIDAVIT OF SERVICE
- / 4. COPY OF NOTICE OF SALE

Original Grantor on Trust Deed:

Beneficiary: **MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., SOLELY AS NOMINEE FOR LENDER**

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING, ANY ERRORS CONTAINED IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

K61'
+15'
76'

Affidavit of Publication

37146

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 # 4705

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 28, April 4, 11, 18, 2002

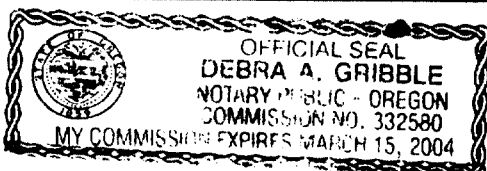
Total Cost: \$769.50

Larry L. Wells
Subscribed and sworn

before me on: April 18, 2002

Debra A. Gribble
Notary Public of Oregon

My commission expires March 15, 2004



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by THOMAS J. MONK and CYNTHIA M. MONK, as grantor(s), to ASPEN TITLE AND ESCROW, INC., AN OREGON CORPORATION, as trustee, in favor of EVERGREEN MONEY-SOURCE MORTGAGE COMPANY, A WASHINGTON CORPORATION, as beneficiary, dated 08/12/1996, recorded 08/19/1996, in the mortgage records of Klamath County, Oregon, in Reel No. M96 at Page No. 25572 as Recorder's fee/file/instrument/microfilm/reception Number 23423 and subsequently assigned to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR LENDER by Assignment recorded 11/30/1998 in Reel No. M98 at Page No. 43615 as Recorder's fee/file/instrument/microfilm/reception No. covering the following described real property situated in said county and state, to wit: LOT 10, BLOCK 9, TRACT NO. 1064, FIRST ADDITION TO GATEWOOD IN THE COUNTY OF KLAMATH, STATE OF OREGON, CODE 64 MAP 3909-2408 TL 5300. Property Address: 5462 EASTWOOD DR, KLAMATH FALLS, OR 97603.

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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 of \$830.32 beginning 08/01/2001; plus late charges of \$33.21 each month beginning 08/01/2001 plus prior accrued late charges of \$99.63 payment plus advances of \$151.20; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following to wit: \$84,254.81 with interest thereon at the rate of 9.000 percent per annum beginning 07/01/2001 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interests therein.

WHEREFORE, notice hereby is given that, FIRST AMERICAN TITLE INSURANCE COMPANY, the undersigned trustee will on 07/01/2002 at the hour of 10:00 AM in accord with the

standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 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 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

37147

the obligation and trust deed, together with the trustee's and attorney's fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, 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.

Dated: 2/15/2002.

By: Charles R. Avila, Assistant Vice President. For further information, please contact:
First American Title Insurance Company,
400 Countrywide Way, SV-35, Foreclosure Department,
Simi Valley, CA 93065, 800-281-8219.
TS No. 019282461.
#4705 March 28,
April 4, 11, 18, 2002.

RECEIVED

APR 25 2002

ROUTH CRABTREE & FENNEL

1000.0367 1/MONK

PROOF OF SERVICE

37148

STATE OF OREGON)
) ss.
County of Klamath)

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, upon an **OCCUPANT** at the following address:

5462 EASTWOOD DRIVE, KLAMATH FALLS, OREGON 97603, as follows:


Personal service upon Thomas Monk, by delivering said true copy, personally and in person, at the above address on February 27, 2002 at 10 :10 A .m.

Personal service upon _____, by delivering said true copy, personally and in person, at the above address on _____, 2002 at _____: _____m.

Personal service upon _____, by delivering said true copy, personally and in person, at the above address on _____, 2002 at _____:_____.m.

Personal service upon _____, by delivering said true copy, personally and in person, at the above address on _____, 2002 at _____:_____.m.

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


Dave Shuck 241392

SUBSCRIBED AND SWORN to before me this 27 day of February 2002 by Dave Shuck



Margaret C. Nielsen
Notary Public for Oregon

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

I, the undersigned, being first duly sworn, depose and 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 the beneficiary's 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 sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

SEE ATTACHED

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by FIRST AMERICAN 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 VENTURA, CALIFORNIA, on 3/1/02. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. 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.

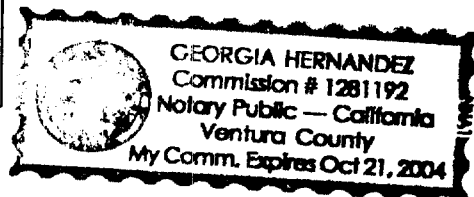
Subscribed and sworn to before me on 3/1, 2002, by MARIA AGUILAR.

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**RE: Trust Deed from****Grantor****to****FIRST AMERICAN TITLE INSURANCE COMPANY,****Trustee****TS No. 019282461**

Notary Public for California

Residing at _____

My Commission expires: _____



After Recording return to:

Foreclosure Department

FIRST AMERICAN TITLE INSURANCE COMPANY

400 Countrywide Way, SV-35

Simi Valley, CA 93065

OR-01-9282461
THOMAS MONK
5462 EASTWOOD DRIVE
KLAMATH FALLS, OR 97603
7001 2510 0008 0772 1515

OR-01-9282461
CYNTHIA MONK
5462 EASTWOOD DRIVE
KLAMATH FALLS, OR 97603
7001 2510 0008 0772 1522

OR-01-9282461
DIVERSIFIED MORTGAGE SERVICES
565 E. 4500 SOUTH, STE A-230
SALT LAKE CITY, UT 84107
7001 2510 0008 0772 2260

OR-01-9282461
DIVERSIFIED MORTGAGE SERVICES
C/O FIRSTPLUS FINANCIAL, INC.
1600 VICEROY DRIVE
DALLAS, TX 75235
7001 2510 0008 0772 2253

OR-01-9282461
MEGO MORTGAGE CORPORATION
100 PARWOOD CIRCLE 5TH FLOOR
ATLANTA, GA 30339
7001 2510 0008 0772 2246

OR-01-9282461
MEGO MORTGAGE CORPORATION
C/O DIVERSIFIED MORTGAGE
SERVICES
565 E. 4500 SOUTH, STE A-230
SALT LAKE CITY, UT 84107
7001 2510 0008 0772 2239

OR-01-9282461
FIRSTPLUS FINANCIAL, INC.
C/O NTC ATTN: DARRELL COLON
FIRSTPLUS LOAN: 3001132064
420 N. BRAND BLVD, 4TH FLOOR
GLENDALE, CA 91203
7001 2510 0008 0772 2222

OR-01-9282461
FIRSTPLUS FINANCIAL, INC.
C/O COUNTRYWIDE MORTGAGE
INC.
7105 CORPORATE DR
MAIL STOP PTXB-155
PLANTO, TX 75024
7001 2510 0008 0772 2215

OR-01-9282461
UMLIC VP LLC
PO BOX 471827
CHARLOTTE, NC 28247-1827
7001 2510 0008 0772 1577

OR-01-9282461
UMLIC VP LLC
ATTN: C. VERGONA
PO BOX 471827
CHARLOTTE, NC 28247-1827
7001 2510 0008 0772 1560

OR-01-9282461
UMLIC VP LLC
11525 CARMEL COMMONS BLVD,
#101
CHARLOTTE, NC 28226
7001 2510 0008 0772 1553

OR-01-9282461
PROVIDIAN NATIONAL BANK
PO BOX 9053
PLEASANTON, CA 94566
7001 2510 0008 0772 1546

OR-01-9282461
PROVIDIAN NATIONAL BANK
C/O KENNETH E. ANDERSON
1737 NE BROADWAY
PORTLAND, OR 97232
7001 2510 0008 0772 1539

OR-01-9282461
BANK OF AMERICA
2160 KINGSTON COURT
MERITTA, GA 30067
7001 2510 0008 0772 1485

OR-01-9282461
THOMAS J. MONK
5462 EASTWOOD DRIVE
KLAMATH FALLS, OR 97603
7001 2510 0008 0772 1508

OR-01-9282461
CYNTHIA M. MONK
5462 EASTWOOD DRIVE
KLAMATH FALLS, OR 97603
7001 2510 0008 0772 1492

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

I, the undersigned, being first duly sworn, depose and 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 the beneficiary's 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 sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

OR-01-9282461
 DISTRICT DIRECTOR-INTERNAL
 REVENUE SERVICE
 ATTN: CHIEF SPECIAL
 PROCEDURES
 915 SECOND AVE. M/S W245
 SEATTLE, WA 98174
 7001 2510 0008 0771 8485

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by FIRST AMERICAN 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 VENTURA, CALIFORNIA, on 3/15/02. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. 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.

Subscribed and sworn to before me on 3/15, 2002, by MARIA AGUILAR.

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Grantor

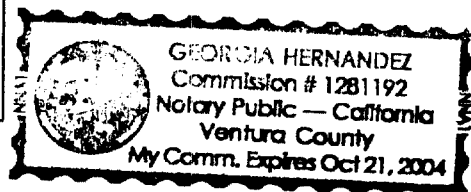
to

FIRST AMERICAN TITLE INSURANCE COMPANY,
 Trustee TS No. 019282461

Georgia Hernandez
 Notary Public for California

Residing at

My Commission expires:



After Recording return to:
 Foreclosure Department
 FIRST AMERICAN TITLE INSURANCE COMPANY
 400 Countrywide Way, SV-35
 Simi Valley, CA 93065

1029009

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by THOMAS J MONK AND CYNTHIA M MONK, as grantor(s), to ASPEN TITLE AND ESCROW, INC., AN OREGON CORPORATION, as trustee, in favor of EVERGREEN MONEYSOURCE MORTGAGE COMPANY, A WASHINGTON CORPORATION, as beneficiary, dated 08/12/1996, recorded 08/19/1996, in the mortgage records of Klamath County, Oregon, in Reel No. M96 at Page No. 25572 as Recorder's fee/file/instrument/microfilm/reception Number 23423 and subsequently assigned to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR LENDER by Assignment recorded 11/30/1998 in Reel No. M98 at Page No. 43615 as Recorder's fee/file/instrument/microfilm/reception No. covering the following described real property situated in said county and state, to wit:

LOT 10, BLOCK 9, TRACT NO. 1064 FIRST ADDITION TO GATEWOOD IN THE COUNTY OF KLAMATH STATE OF OREGON. CODE 64 MAP 3909-2408 TL 5300

PROPERTY ADDRESS: 5462 EASTWOOD DRIVE
KLAMATH FALLS, OR 97603

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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 of \$830.32 beginning 08/01/2001; plus late charges of \$33.21 each month beginning 08/01/2001 plus prior accrued late charges of \$99.63 payment plus advances of \$151.20; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following to wit: \$84,254.81 with interest thereon at the rate of 9.000 percent per annum beginning 07/01/2001 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interests therein.

WHEREFORE, notice hereby is given that, FIRST AMERICAN TITLE INSURANCE COMPANY, the undersigned trustee will on 07/01/2002 at the hour of 10:00:00 AM in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 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 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 the trustee's and attorney's fees not exceeding the amounts provided by OSRS 86.753.

In construing this notice, 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.

Dated 2-15, 2002

Charles R. Avilla
 ASSISTANT VICE PRESIDENT
 FIRST AMERICAN TITLE INSURANCE COMPANY

For further information, please contact:

FIRST AMERICAN TITLE INSURANCE COMPANY
 400 Countrywide Way, SV-35
 Foreclosure Department
 Simi Valley, CA 93065
 800-281-8219
 TS No. 019282461

STATE OF CALIFORNIA)
) ss.
 COUNTY OF CONTRA COSTA

This instrument was acknowledged before me on 2-15, 2002, by Charles R. Avilla
 FIRST AMERICAN TITLE INSURANCE COMPANY, as Trustee.

Janice R. McIntire
 Notary Public for _____
 My commission expires: _____



THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER IF YOU HAVE OR ARE IN THE PROCESS OF OBTAINING DISCHARGE OF THE DEBT FROM A BANKRUPTCY COURT, THIS DOCUMENT IS NOT AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF LIEN RIGHTS AGAINST THE PROPERTY.