

02 AUG 2 PM 2:51

Vol M02 Page 43879

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 08/02/2002 2:51 P m.
Vol M02, Pg 43879-88
Linda Smith, County Clerk
Fcc \$ 66⁰⁰ # of Pgs 10

THE SPACE ABOVE LINE IS FOR RECORDER'S USE ONLY

T.S. NO.: 2002-28308-D
LOAN NO.: 1000827707

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

66A

43880

T.S. NO.: 2002-28308-D
LOAN NO.: 1000827707

FIDELITY NATIONAL TITLE *23/0039*
AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF CALIFORNIA
COUNTY OF ORANGE

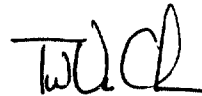
I, **TERI VON ACHEN**, being first duly sworn, depose, say and certify that: At all times hereinafter mentioned I was and now am a resident of the State of CALIFORNIA, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original 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 **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 **4/30/2002**. 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.



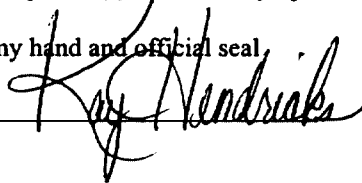
TERI VON ACHEN

STATE OF CALIFORNIA
COUNTY OF ORANGE

On **April 30, 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



NOTICES WERE SENT TO THE FOLLOWING PARTIES:

<u>NAME</u>	<u>ADDRESS</u>
EUGENE ALAN MORTENSON	5147 GATEWOOD DRIVE KLAMATH FALLS, OR 97603
PHILIP A. JARISH	918 VIEWRIDGE DRIVE SAN MATEO, CALIFORNIA 94403

TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.
Trustee No.: 2002-28308-D

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Reference is made to that certain Trust Deed made by EUGENE ALAN MORTENSON, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY, as Grantor, to AMERITITLE, as Trustee, in favor of INDYMAC MORTGAGE HOLDINGS, INC., A DELAWARE CORPORATION, as Beneficiary, dated 5/25/2000, recorded 5/26/2000, in the mortgage records of KLAMATH, Oregon, as Instrument No. , in Book M00, Page 19148. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by BANK OF NEW YORK AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT SERIES 2000-B1 AT 101 BARCLAY STREET, NEW YORK, NY 10286 CORP. TRUST-MBS. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 26, BLOCK 3, TRACT 1035, GATEWOOD, 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:

**5147 GATEWOOD DRIVE
KLAMATH FALLS, OR 97603**

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>
9/1/2001	10.25	12	\$1,007.31	\$281.19	\$15,462.00

\$604.44

Late Charges:

ADVANCES:
BAD CHECK FEES

AMOUNT
\$15.00

\$16,081.44

Grand Total:

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 \$111,682.93 together with interest thereon at the current rate of 10.25% per annum from 8/1/2001 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 8/30/2002, 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

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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: April 16, 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. MIELMET, 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

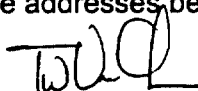
THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

AFFIDAVIT OF MAILING

43884

TS: 2002-28308-D
DATE: April 30, 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 he 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.

EUGENE ALAN MORTENSON
5147 GATEWOOD DRIVE
KLAMATH FALLS, OR 97603
CERTIFIED:71086095528006367366

EUGENE ALAN MORTENSON
5147 GATEWOOD DRIVE
KLAMATH FALLS, OR 97603
First Class

PHILIP A. JARISH
918 VIEWRIDGE DRIVE
SAN MATEO, CALIFORNIA 94403
CERTIFIED:71086095528006367373

PHILIP A. JARISH
918 VIEWRIDGE DRIVE
SAN MATEO, CALIFORNIA 94403
First Class

43885

TRUSTEE'S NOTICE OF SALE & NOTICE

INDYMAC MORTGAGE HOLDINGS INC., A
DELAWARE CORP.

vs

EUGENE ALAN MORTENSON

STATE OF OREGON)
COUNTY OF MULTNOMAH) SS.

ORIGINAL
AFFIDAVIT/PROOF OF SERVICE
Client #

I hereby certify that on the 22nd day of April, 2002, at the hour of 5:58 PM, a copy of a TRUSTEE'S NOTICE OF SALE & NOTICE was served to all occupant(s) located at 5147 Gatewood Drive, Klamath Falls, OR 97603.

THE OCCUPANTS WERE SERVED IN THE FOLLOWING MANNER:

I served Occupant(s), Eugene Mortenson by PERSONAL SERVICE

I served Occupant(s), Jane Doe by SUBSTITUTE SERVICE TO Eugene Mortenson, a person over the age of 14 and who is an occupant of the described residence.

I served All Occupants over 18 years old by SUBSTITUTE SERVICE TO Eugene Mortenson, a person over the age of 14 and who is an occupant of the described residence.,

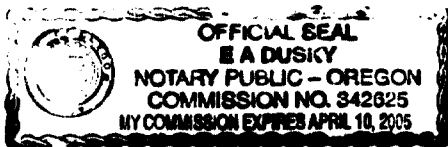
ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF KLAMATH

I am a competent person over the age of 18, a resident of said State, not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise and knew that the person, firm, or corporation served is the identical one named in the action.

/s/ _____
JEFFERSON STATE, Server
Capitol Investigation Company

I HEREBY CERTIFY that I completed substitute service, as required by law, by depositing with the United States Post Office by regular mail a properly addressed, postage prepaid envelope containing a copy of the TRUSTEE'S NOTICE OF SALE & NOTICE to Jane Doe and all other occupants 18 years or older at 5147 Gatewood Drive, Klamath Falls, OR 97603 on 4-23-02. Signed: [Signature]

Subscribed to and sworn to before me this
23rd day of April, 2002 by P N Smith



[Signature]
Notary for the State of Oregon

PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS

43886

STATE OF OREGON
COUNTY OF Klamath

COURT CASE NO. _____

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows:

- | | | | |
|--------------------------------------|--|-----------------------------------|--|
| <input type="checkbox"/> Small Claim | <input type="checkbox"/> Order | <input type="checkbox"/> Subpoena | <input type="checkbox"/> Order to Show Cause |
| <input type="checkbox"/> Summons | <input type="checkbox"/> Motion | <input type="checkbox"/> Notice | <input checked="" type="checkbox"/> Trustee's Notice of Sale |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Affidavit | <input type="checkbox"/> Petition | <input type="checkbox"/> Writ of Garnishment |
| <input type="checkbox"/> Answer | <input type="checkbox"/> Restraining Order | <input type="checkbox"/> Letter | <input type="checkbox"/> Writ of Continuing Garnishment |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ | <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |

For the within named: OCC. OF 5147 Gatewood

☒ PERSONALLY SERVED: Original or True Copy to within named, personally and in person to: Eugene Mortenson at the address below.

☒ SUBSTITUTE SERVICE: By delivering an Original or True Copy to Eugene Mortenson, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: Jane Doe

☐ OFFICE SERVICE: At the office which he/she maintains for the conduct of business as shown at the address below, by leaving such true copy or Original with _____, the person who is apparently in charge.

☐ SERVICE ON CORPORATIONS, LIMITED PARTNERSHIPS OR UNINCORPORATED ASSOCIATIONS SUBJECT TO SUIT UNDER A COMMON NAME.

Upon _____, by (a) delivering such true copy personally and in person, Corporation, Limited Partnership, etc.

to: _____ who is a/the _____ thereof, or (b) leaving such true copy with _____, the person who is apparently in charge of the office of _____, who is a/the _____ thereof.

☐ OTHER METHOD: _____

☐ NOT FOUND: I certify that I received the within document for service on _____ and after due and diligent search and inquiry, I hereby return that I have been unable to find, the within named respondent, _____ within _____ County.

5147 Gatewood
ADDRESS OF SERVICE STREET UNIT / APT. / SPC#
Klamath Falls Oregon 97603
CITY STATE ZIP

I further certify that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or corporation named in the action.

April 22, 2002 5:58 a.m. ☐ p.m. David Soreman
DATE OF SERVICE TIME OF SERVICE SIGNATURE

or not found
PRINTED IN OREGON

Affidavit of Publication

43887

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 # 4897

Notice of Sale/Mortenson

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:

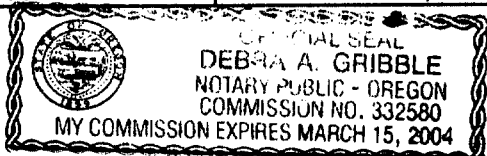
May 29, June 5, 12, 19, 2002

Larry L. Wells
Subscribed and sworn

before me on: June 19, 2002

Debra A. Gribble
Notary Public of Oregon

My commission expires March 15, 2004

NOTICE OF
DEFAULT AND
ELECTION TO
SELL

Trustee's Sale No.:
2002-28308-D
Loan No. 1000827707
Pursuant to ORS
86.705 et seq. and
ORS 795010, et seq.

Reference is made to that certain Trust Deed made by: EUGENE ALAN MORTENSON, a married man as his sole and separate property, as Grantor to AMERITITLE, as Trustee, in favor of INDYMAC MORTGAGE HOLDINGS, INC, a DELAWARE CORPORATION, as Beneficiary, dated 5/25/2000, recorded 5/26/2000, in the mortgage records of Klamath County, Oregon, as Instrument No., Book M00, Page 19148, covering the following described real property situated in said county and state, to-wit: Lot 26, Block 3, Tract 1035, Gatewood, 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: 5147 Gatewood Drive, Klamath Falls, OR 97603.

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 situated; 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 ORS 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:
From - 9/01/2001, Int. Rate - 10.25, No. Pmt. - 12, Amount - \$1,007.31, Impound - \$281.19, Total - \$15,462.00, Late Charges - \$604.44, Advances: Bad Check Fees, \$15.00. Grand Total: \$16,081.44. 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: The unpaid principal balance of \$111,682.93 together with interest thereon at the current rate of 10.25% per annum from 8/01/2001 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 or 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 ORS 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 ORS 187.110 on 8/30/2002 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 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 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 ORS 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: April 16, 2002. By: A. Fraggasi, Trustee. For further information, please contact: Fidelity National Title Insurance Co., 401 SW 4th Ave., Portland, OR 97204. c/o Law Offices of Steven J. Melmet, Inc. (949) 263-1000.

P173643, 5/29, 6/05, 6/12, 6/19/2002.

This office is attempting to collect a debt and any information obtained will be used for that purpose.

#4897 May 29, June 5, 12, 19, 2002.