

02 AUG 13 PM 3:18

ASPEN 54731

Vol M02 Page 45636

WHEN REDORDED MAIL TO:  
Conseco Finance Servicing Corp.  
9600 Center Avenue, Suite 160  
P.O. Box 188  
Rancho Cucamonga, CA 91730

State of Oregon, County of Klamath  
Recorded 08/13/2002 3:18 p m.  
Vol M02, Pg 45636-42  
Linda Smith, County Clerk  
Fee \$ 51.00 # of Pgs 7

T.S. NO.: 02-4014-01  
LOAN NO.: 45406509-5

FIDELITY NATIONAL TITLE

2410126

**AFFIDAVIT OF MAILING NOTICE OF SALE**

STATE OF CALIFORNIA } SS  
COUNTY OF FRESNO }

I, Debra Berg 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, to-wit:

**NAME & ADDRESS**

**CERTIFIED NO.**

**SEE ATTACHED**

Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or of 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 was certified to be a true copy of the original notice of sale by Debra Berg, 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 mail FRESNO CALIFORNIA, on 4/17/2002. 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.

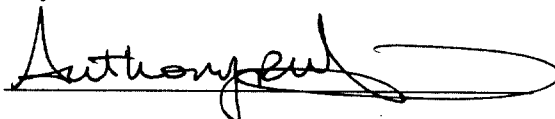
DATED: August 9, 2002

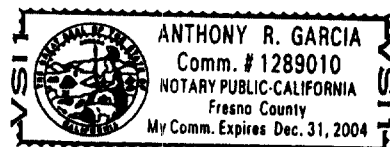
  
DEBRA BERG

State of California } ss.  
County of Fresno }

On August 9, 2002 before me, Anthony R. Garcia Notary Public, personally appeared Debra Berg 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





51A

**AFFIDAVIT OF MAILING**

Date: April 17, 2002

T.S. No.: 02-4014-01

Loan No.: 45406509-5

STATE OF CALIFORNIA }  
COUNTY OF FRESNO }

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in FRESNO County at WT Capital, and is not a party to the within action and that on April 17, 2002, (s)he personally served the Notice, 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 first class, 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.

X   
Affiant DEBRA BERG

Thomas G. Garber  
6919 Hilyard Court  
Klamath Falls, OR 97603  
P71086095528006197857

Thomas G. Garber  
6919 Hilyard Court  
Klamath Falls, OR 97603  
First Class

Thomas G. Garber  
P.O. Box 2513  
Winston, OR 97395  
P71086095528006197864

Thomas G. Garber  
P.O. Box 2513  
Winston, OR 97395  
First Class

STATE OF OREGON  
COUNTY OF KLAMATH  
TAX & TREASURER'S OFFICE  
GOVERNMENT CENTER  
305 MAIN STREET  
KLAMATH FALLS, OR 97601  
P71086095528006197871

STATE OF OREGON  
COUNTY OF KLAMATH  
TAX & TREASURER'S OFFICE  
GOVERNMENT CENTER  
305 MAIN STREET  
KLAMATH FALLS, OR 97601  
First Class

# AFFIDAVIT OF MAILING

45638

Date: April 17, 2002

T.S. No.: 02-4014-01

Loan No.: 45406509-5

STATE OF CALIFORNIA }  
COUNTY OF FRESNO }

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in FRESNO County at WT Capital, and is not a party to the within action and that on April 17, 2002, (s)he personally served the Notice, 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 first class, 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.

X   
Affiant DEBRA BERG

COUNTRY GREEN ASSOCIATION  
6724 WAGONER CT.  
KLAMATH FALLS, OR 97603  
P71086095528006197888

COUNTRY GREEN ASSOCIATION  
6724 WAGONER CT.  
KLAMATH FALLS, OR 97603  
First Class

THOMAS G. GARBER  
6919 HILYARD COURT  
KLAMATH FALLS, OR 97603  
P71086095528006197895

THOMAS G. GARBER  
6919 HILYARD COURT  
KLAMATH FALLS, OR 97603  
First Class

Thomas G. Garber  
340 N 6th Street  
Klamath Falls OR 97501  
P71086095528006197901

Thomas G. Garber  
340 N 6th Street  
Klamath Falls OR 97501  
First Class

# AFFIDAVIT OF MAILING

45639

Date: April 17, 2002

T.S. No.: 02-4014-01

Loan No.: 45406509-5

STATE OF CALIFORNIA }  
COUNTY OF FRESNO }

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in FRESNO County at WT Capital, and is not a party to the within action and that on April 17, 2002, (s)he personally served the Notice, 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 first class, 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.

X   
Affiant DEBRA BERG

Country Green Association  
6724 Waggoner Ct.  
Klamath Falls, OR 97603  
P71086095528006197918

Country Green Association  
6724 Waggoner Ct.  
Klamath Falls, OR 97603  
First Class

State of Oregon, County of Klamath  
Tax Collector  
Government Center  
305 Main Street  
Klamath Falls, OR  
P71086095528006197925

State of Oregon, County of Klamath  
Tax Collector  
Government Center  
305 Main Street  
Klamath Falls, OR  
First Class

**JEFFERSON STATE ADJUSTERS  
RECOVERY IS OUR BUSINESS**

1135 Pine Street  
Klamath Falls, Oregon 97601  
Phone: (541) 882-8036 Fax: (541) 883-2129

02401401  
Copy to  
(97601)  
45640

**AFFIDAVIT OF NON-OCCUPANCY**


STATE OF OREGON  
COUNTY OF Klamath

I, Dave Shuck, being first duly sworn, depose and say: That I am and have been at all material times hereto, a competent person over the age of eighteen years and a resident of the county of Klamath, State of Oregon. I am not a party to, an attorney for, or interested in any suit or action involving the property described below.

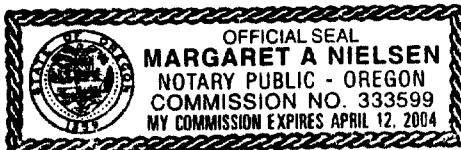
That on the 23rd day of April 2002, after personal inspection, I found the following described real property to be unoccupied.

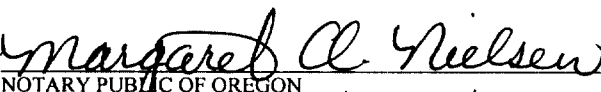
Commonly described as (Street address) 6919 Hilyard Court Klamath Falls, Oregon 97603

I declare under the penalty of perjury that the above statements are true and correct.

 4-25-02  
(Signed and Dated)

Subscribed and Sworn to before me this 25<sup>th</sup> day of April, 2002.



  
NOTARY PUBLIC OF OREGON  
MY COMMISSION EXPIRES: 4-12-04

**TRUSTEE'S NOTICE OF SALE**

Loan No: 45406509-5  
T.S. No.: 02-4014-01

Reference is made to that certain deed made by, **Thomas G. Garber** as Grantor to **Nancy L. Peterson**, as trustee, in favor of **Green Tree Financial Servicing Corporation**, as Beneficiary, dated **10/24/97**, recorded **10/30/97**, in official records of **Klamath County, Oregon** in book/reel/volume No. **M97** at page No. **35970**, instrument No. **47883**, covering the following described real property situated in said County and State, to-wit:

**APN: R-3909-013AB-01600-000 & M-98-170 & R-3909-013AB-001700-000**  
**THE E 1/2 OF LOT 4, ALL OF LOT 5, BLOCK 3, TRACT #1085, COUNTRY GREEN, IN THE COUNTY OF KLAMATH, STATE OF OREGON.**

Commonly known as:  
6919 Hilyard Court, Klamath Falls, OR 97603

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's:

**THE FULL INSTALLMENT OF PRINCIPAL AND INTEREST WHICH BECAME DUE ON 10/15/2001 AND ALL SUBSEQUENT INSTALLMENTS, TOGETHER WITH ALL LATE CHARGES, ADVANCES TO SENIOR LIENS, INTEREST, INSURANCE, TAXES AND ASSESSMENTS; ANY DELINQUENT TAXES AND/OR INSURANCE PREMIUMS AND/OR PAYMENTS TO PRIOR LIENHOLDERS TO BE ADVANCED BY THE BENEFICIARY AFTER THE RECORDING OF THE NOTICE OF DEFAULT.**

Monthly Payment \$626.68      Monthly Late Charge \$5.00

By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The sum of \$71,696.44 together with interest thereon at the rate of 9.49 % per annum from 9/15/2001 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that **Fidelity National Title Company**, the undersigned trustee will on August 16, 2002, at the hour of **10:00 AM**, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at **THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN ST., 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 said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or 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 a reasonable charge by the trustee. Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

45642

Loan No: 45406509-5  
T.S. No: 02-4014-01

### TRUSTEE'S NOTICE OF SALE

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 persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: April 16, 2002

Fidelity National Title Company, as Trustee  
By WT Capital Lender Services, Its Authorized Agent  
1640 West Shaw Avenue, Suite 101  
Fresno, CA 93711

Signature By Debra Berg  
Debra Berg, Senior Vice President

State of California } ss.  
County of Fresno }

On 04/17/2002 before me, Anthony R. Garcia Notary Public, personally appeared Debra Berg 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 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

Anthony R. Garcia (Seal)

