

02 SEP 11 PM 2:24

ASPEN 54977

Vol M02 Page 51745

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 09/11/2002 2:24 p m.  
Vol M02, Pg 51745-54  
Linda Smith, County Clerk  
Fee \$ 66<sup>00</sup> # of Pgs 10

---

THE SPACE ABOVE LINE IS FOR RECORDER'S USE ONLY

T.S. NO.: 2002-29992-D  
LOAN NO.: 1000838266

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

664

T.S. NO.: 2002-29992-D  
 LOAN NO.: 1000838266

**AFFIDAVIT OF MAILING NOTICE OF SALE**

**FIDELITY NATIONAL TITLE**

24/01/83

STATE OF CALIFORNIA  
 COUNTY OF ORANGE

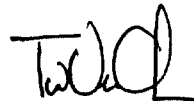
I, **TERI VON ACHEN**, being first duly sworn, depose, say and certify that: At all times hereinafter mentioned I was and now am a resident of the State of CALIFORNIA, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original 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 6/4/2002. 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.



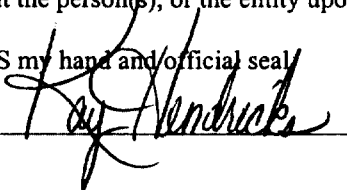
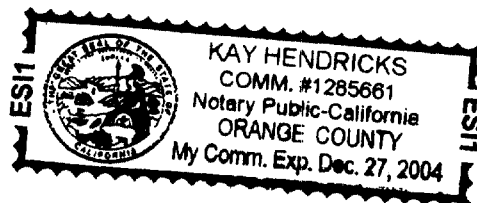
TERI VON ACHEN

STATE OF CALIFORNIA  
 COUNTY OF ORANGE

On **June 04, 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. 2002-29992-D

**NOTICES WERE SENT TO THE FOLLOWING PARTIES:**

<u>NAME</u>	<u>ADDRESS</u>
DIANE K. LABUWI	2040 DEL MORO STREET KLAMATH FALLS, OR 97601
CARTER JONES COLLECTIONS, LLC	1143 PINE STREET KLAMATH FALLS, OR 97601
CARTER JONES COLLECTIONS, LLC	PO BOX 145 KLAMATH FALLS, OR 97601
OREGON DEPARTMENT OF REVENUE REVENUE AGENT COMPLIANCE - BEND	PO BOX 14725 SALEM, OR 97309-5018

# TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.  
Trustee No.: 2002-29992-D

51748

Reference is made to that certain Trust Deed made by **DIANE K. LABUWI**, as Grantor, to **AMERITITLE**, as Trustee, in favor of **INDYMAC MORTGAGE HOLDINGS, INC., A DELAWARE CORPORATION**, as Beneficiary, dated **5/22/2000**, recorded **6/1/2000**, in the mortgage records of **KLAMATH, Oregon**, as Instrument No. , in Book **M00**, Page **19862**. 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:

**LOTS 7 AND 8, BLOCK 38, HILLSIDE ADDITION TO THE CITY OF KLAMATH FALLS,  
ACCORDING TO THE OFFICAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF  
KLAMATH COUNTY, OREGON.**

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

**2040 DEL MORO STREET  
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:

<u>FROM</u>	<u>INT. RATE</u>	<u>NO. PMT</u>	<u>AMOUNT</u>	<u>IMPOUND</u>	<u>TOTAL</u>
2/1/2002	13.25	9	\$1,473.64	\$240.14	\$15,424.02

<b>Late Charges:</b>	<b>\$589.44</b>
----------------------	-----------------

<b><u>ADVANCES:</u></b>	<b><u>AMOUNT</u></b>
<b>SUSPENSE</b>	<b>-\$14.78</b>

<b>Grand Total:</b>	<b>\$15,998.68</b>
---------------------	--------------------

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 **\$130,305.66** together with interest thereon at the current rate of **13.25%** per annum from **1/1/2002** 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 **10/4/2002**, 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: May 23, 2002

**FIDELITY NATIONAL TITLE INSURANCE  
COMPANY**

By Andy 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 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.

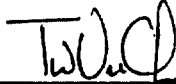
Andy Fragassi  
Authorized Representative of Trustee

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

## AFFIDAVIT OF MAILING

TS: 2002-29992-D  
DATE: June 04, 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.

DIANE K. LABUWI  
2040 DEL MORO STREET  
KLAMATH FALLS, OR 97601  
CERTIFIED:71086095528006952142

DIANE K. LABUWI  
2040 DEL MORO STREET  
KLAMATH FALLS, OR 97601  
First Class

CARTER JONES  
COLLECTIONS, LLC  
1143 PINE STREET  
KLAMATH FALLS, OR 97601  
CERTIFIED:71086095528006952159

CARTER JONES  
COLLECTIONS, LLC  
1143 PINE STREET  
KLAMATH FALLS, OR 97601  
First Class

CARTER JONES  
COLLECTIONS, LLC  
PO BOX 145  
KLAMATH FALLS, OR 97601  
CERTIFIED:71086095528006952166

CARTER JONES  
COLLECTIONS, LLC  
PO BOX 145  
KLAMATH FALLS, OR 97601  
First Class

OREGON DEPARTMENT OF REVENUE  
REVENUE AGENT COMPLIANCE - BEND  
PO BOX 14725  
SALEM, OR 97309-5018  
CERTIFIED:71086095528006952173

OREGON DEPARTMENT OF REVENUE  
REVENUE AGENT COMPLIANCE - BEND  
PO BOX 14725  
SALEM, OR 97309-5018  
First Class

51751

## TRUSTEE'S NOTICE OF SALE &amp; NOTICE OF DEFAULT AND ELECTION TO SELL

INDYMAC MORTGAGE HOLDINGS INC., A  
DELAWARE CORP.

vs

DIANE K. LABUNI

STATE OF OREGON )  
COUNTY OF MULTNOMAH ) SS.

ORIGINAL  
AFFIDAVIT/PROOF OF SERVICE  
Client # 176222

I hereby certify that on the 14th day of June, 2002, at the hour of 11:27AM, a copy of a TRUSTEE'S NOTICE OF SALE & NOTICE OF DEFAULT AND ELECTION TO SELL was served to all occupant(s) located at 2040 Del Moro St., Klamath Falls, OR 97601.

**THE OCCUPANTS WERE SERVED IN THE FOLLOWING MANNER:**

I served Occupant(s), Diane K. Labuni by PERSONAL SERVICE

I served All Occupants over 18 years old by SUBSTITUTE SERVICE TO Diane K. Labuni, 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**

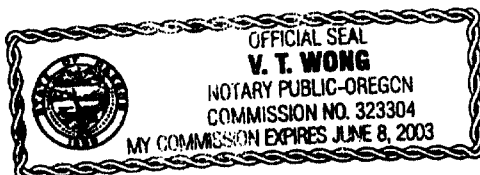
I am a competent person over the age of 18, a resident of said State, not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise and knew that the person, firm, or corporation served is the identical one named in the action.

/s/ \_\_\_\_\_  
Jefferson State Adjusters, 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 OF DEFAULT AND ELECTION TO SELL to all other occupants 18 years or older at 2040 Del Moro St., Klamath Falls, OR 97601 on

Signed: J. Carter JUN 14 2002

Subscribed to and sworn to before me this  
19th day of June, 2002 by J. Carter



V. T. Wong  
Notary for the State of Oregon

**PROOF OF SERVICE  
JEFFERSON STATE ADJUSTERS**

**51752**

STATE OF OREGON  
COUNTY OF \_\_\_\_\_

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: OCCUPANTS of 2040 Delmaro

☒ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to: Diane K. Luboni at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to \_\_\_\_\_, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: \_\_\_\_\_

☐ **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.

<u>2040</u> ADDRESS OF SERVICE	<u>Delmaro</u> STREET		UNIT / APT / SPC#
<u>Klamath Falls</u> CITY	<u>Oregon</u> STATE	<u>97601</u> 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.

<u>June 14</u> DATE OF SERVICE	<u>11:25 a.m.</u> TIME OF SERVICE	<u>[Signature]</u> SIGNATURE
-----------------------------------	--------------------------------------	---------------------------------

or not found  
PRINTED IN OREGON



## Affidavit of Publication

51753

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 # 5011

Notice of Sale/Labuwi

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: ( 4 )  
Four

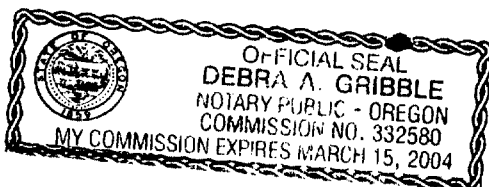
Insertion(s) in the following issues:  
July 3, 10, 17, 24, 2002

Subscribed and sworn

before me on: July 24, 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: 2002-  
29992-D**

Reference is made to that certain Trust Deed made by DIANE K. LABUWI, as Grantor, to AMERITITLE, as Trustee, in favor of INDYMAC MORTGAGE HOLDINGS, INC., a DELAWARE CORPORATION, as Beneficiary, dated 5/22/2000, recorded 6/01/2000, in the mortgage records of Klamath, Oregon, as Instrument No., in Book M00, Page 19862. 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: Lots 7 and 8, Block 38, Hillside Addition to the City of Klamath Falls, according to the official plat thereof on file in the Office of the Clerk of Klamath County, Oregon. The street address or other common designation, if any, of the real property described above is purported to be: 2040 Del Moro Street, 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: 2/01/2002, Int. Rate: 13.25, No. Pmt.: 9, Amount: \$1,473.64, Impound: \$240.14, Total: \$15,424.02, Late Charges: \$589.44, Advances: Suspense, Amount: \$14.78, Grand Total: \$15,998.68.

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 \$130,305.66 together with interest thereon at the

current rate of 13.25% per annum from 1/01/2002 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 10/04/2002, 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 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 ORS 86.754 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

51754

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 performances required under the obligation or to cure the default, by paying all costs and expenses actual-

ly 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 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: May 23, 2002.  
By: Andy Fragassi,  
Authorized Representative. For further information, please contact, Fidelity National Title Insurance Company, 401 SW 4th Ave., Portland, OR 97204. C/O Law Offices of Steven J. Melmet, Inc. (949) 263-1000. P176222. 7/03, 7/10, 7/17, 7/24/02.

This an attempt to collect a debt and any information obtained will be used for that purpose.  
#5011 July 3, 10, 17, 24, 2002.