

02 NOV 4 AM 11:01

Vol M02 Page 63533

Record and Return to:

STANDARD TRUSTEE SERVICE COMPANY WASHINGTON
2600 STANWELL DRIVE, SUITE 200
CONCORD, CA 94520
(800) 995-2670

State of Oregon, County of Klamath
Recorded 11/04/2002 11:01 a m.
Vol M02, Pg 63533-40
Linda Smith, County Clerk
Fee \$ 56⁰⁰ # of Pgs 8

K58728

TRUSTEE'S NOTICE OF SALE

T.S. No: ONMC057443 AKR

Loan No: 2737986/685/Miller

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby;

A. PARTIES IN THE DEED OF TRUST:

GRANTOR(S): Ron J. Miller, an unmarried man
TRUSTEE: Amerititle
SUCCESSOR TRUSTEE: Fidelity National Title Insurance Company
BENEFICIARY: Capital Commerce Mortgage Co., a California Corporation

B. DESCRIPTION OF PROPERTY:

The Westerly 68 feet of Lot 6 in Block 3 of Fairview Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath Falls, Oregon.

Property commonly known as: 925 Upham Street Klamath Falls, OR 97601

C. TRUST DEED INFORMATION:

DATED DATE: 08/29/2001
RECORDING DATE: 09/07/2001
INSTRUMENT NO.: Book: M01 Page: 45543
RECORDING PLACE: Official records of the County of Klamath
State of Oregon

D. DEFAULT: The Debtor(s) are in default and the Beneficiary elects to foreclose the Trust Deed for failure to pay:

1. Monthly Payments:

Monthly installments and late charges from 02/01/2002 and all subsequent installments and late charges.

TOTAL PAYMENTS AND LATE CHARGES \$2,111.75

2. Other Arrearages:

\$264.70

TOTAL AMOUNT DUE: \$2,376.45

Plus all accrued real property taxes, interest or penalties until paid.

3. Default(s) other than payment of money:

E. AMOUNT DUE: The beneficiary has declared all sums owing on the obligation and Trust Deed immediately due and payable, said sums being:

Principal Balance: \$39,490.78

In addition to said principal, interest at the rate of variable as provided in the Note or other instrument secured, shall be payable from 01/01/2002 at 7.000%, as well as all Trustee's fees and costs, Attorneys fees and costs, and all foreclosure costs.

IMPORTANT: READ SECOND & THIRD PAGE OF THIS DOCUMENT

K567

T.S. No: ONMC057443 AKR

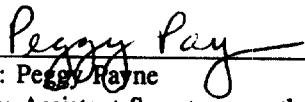
Loan No: 2737986/685/Miller

- F. **ELECTION TO SELL:** NOTICE IS HEREBY GIVEN That the Beneficiary and Trustee, by reason of said default have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes Sections 86.705 et. seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in the described property which the Debtor(s) had, or had the power to convey, at the time of the execution of the Trust Deed together with any interest the Grantor or successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of the sale, including the compensations of the Trustee as provided by law, and the reasonable fees of the Trustee's Attorney.
- G. **TIME AND PLACE OF SALE:**
 TIME : 10:00 A.M. Friday, 11/08/2002
 PLACE: On the front steps of the Circuit Court 316 Main Street Klamath Falls, OR
- H. **RIGHT TO REINSTATE:** NOTICE IS FURTHER GIVEN That at any time prior to five days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Trustee 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 to the Trustee actually incurred by Beneficiary and Trustee in enforcing the obligation and Trust Deed, together with Trustee's fees and Attorney's fees.
- I. 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 the Trust Deed, and the words trustee" and "beneficiary" include their respective successors in interest, if any.

FOR TRUSTEE'S SALE INFORMATION PLEASE CALL (925)603-7342.

Dated: June 20, 2002

Fidelity National Title Insurance Company
 c/o Standard Trustee Service Company Washington
 2600 Stanwell Drive, Suite 200
 Concord, Ca 94520
 (925)603-1000


 By: Peggy Payne
 It's: Assistant Secretary, as their authorized agent

STATE OF CALIFORNIA
 COUNTY OF CONTRA COSTA

This instrument was acknowledged before me on June 20, 2002 by Peggy Payne as Assistant Secretary of Standard Trustee Service Company Washington authorized agent for Fidelity National Title Insurance Company


 NOTARY PUBLIC FOR California



STANDARD TRUSTEE SERVICE COMPANY WASHINGTON

2600 Stanwell Drive, Ste. 200

Concord, CA 94520

925-603-1000

FAX 925-685-3735

63535

T.S. Number: ONMC057443 AKR
Loan Number: 2737986/685/Miller

FAIR DEBT COLLECTION PRACTICES ACT NOTIFICATION

Pursuant to and in compliance with the Fair Debt Collection Practices Acts (Federal [15 USC 1692]) the Trustee/Agent named in the Notice of Default hereby provides the following notification(s):

"We are attempting to collect a debt and any information we obtain will be used for that purpose."

"The debt described in the Notice of Default is assumed to be valid unless debtor disputes within 30 days and that, if disputed, debt collector will obtain and furnish to debtor the verification.

If written request is made within 30 days by debtor, name of original lender will be given if different than the current creditor."

****IF YOU HAVE FILED A CHAPTER 7 BANKRUPTCY AND RECEIVED A DISCHARGE OF DEBTOR, YOU ARE NO LONGER PERSONALLY OBLIGATED TO MAKE PAYMENTS ON THE LOAN. However, the beneficiary still retains a security interest in the property and can exercise its rights to commence foreclosure unless a cure of the default under the security instrument is effected. The following communication is mandatory and should not be read as a requirement that you make payments on your loan. If you in fact follow the options specified in the attached communication and make payments, you should only do so if you are interested in preserving your rights to the property.****

KLAMATH COUNTY SHERIFF'S OFFICE - RETURN OF SERVICE

State of Oregon)
County of Klamath)

Court Case No.
Sheriff's Case No. 02-01945

Received for Service 06/26/02

63536

I hereby certify that I received for service on
EARL, KENNY M
the within:

TRUSTEE'S NOTICE OF SALE

EARL, KENNY M
was served personally, and in person, at
925 UPHAM
KLAMATH FALLS , OR, on 06/26/02,
at 16:10 hours.

All search and service was made within Klamath County, State of Oregon.

Timothy M. Evinger, Sheriff
Klamath County, Oregon

BY 
ALEXANDER, TERRI L

Copy to:

TRANSERV LEGAL PROCESS
310 SW 4TH AVE #200
PORTLAND

POB 4
OR 97204

Affidavit of Publication

63537

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 # 5197

Notice of Sale/Miller

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:
September 24, October 1, 8, 15, 2002

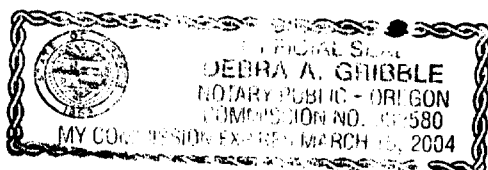
Total Cost: \$729.00

Larry L. Wells
Subscribed and sworn

before me on: October 15, 2002

Debra A. Gribble
Notary Public of Oregon

My commission expires March 15, 2004

TRUSTEE'S
NOTICE OF SALE

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby: A. Parties in the Deed of Trust: Grantor(s): Ron J. Miller, an unmarried man, Trustee: Amerititle, Successor Trustee: Fidelity National Title Insurance Company, Beneficiary: Capital Commerce Mortgage Co., a California Corporation; B. Description of Property: The Westerly 68 feet of Lot 6 in Block 3 of Fairview Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath Falls, Oregon. Property commonly known as: 925 Upham Street, Klamath Falls, OR 97601; C. Trust Deed Information: Dated Date: 08/29/2001, Recording Date: 09/07/2001, Instrument No: Book: M01, Page: 45543, Recording Place: Official records of the County of Klamath, State of Oregon; Default: The Debtor(s) are in default and the Beneficiary elects to foreclose the Trust Deed for failure to pay: 1) Monthly Payments: Monthly installments and late charges from 02/01/2002 and all subsequent installments and late charges; Total payments and late charges: \$22,112.55; 2) Other Arrearages: \$22,700.00 Total Amount Due: \$44,812.55; 3) Default(s) other than payment of money: Plus all accrued real property taxes, interest or penalties until paid; E. Amount Due: The Beneficiary has declared all sums owing on the obligation and Trust Deed immediately due and payable, said sums being: Principal Balance: \$39,490.78. In addition to said principal, interest at the rate of variable as provided in the Note or other instrument secured, shall be payable from 01/01/2002 at 7.000%, as well as all Trustee's fees and costs, Attorneys fees and costs, and all foreclosure costs; F. Election to Sell: Notice is, hereby Given that the Beneficiary, and Trustee, by reason of said default have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes, Sections 86.705, et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in the described property which the Debtor(s) had, or had the power to convey, at the time of the execution of the Trust Deed together with any interest the Grantor or successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of the sale, including the compensations of the Trustee as provided by law and the reasonable fees of the

Trustee's Attorney. G. Time and Place of Sale: Time: 10:00 AM, Friday 11/8/2002, Place: On the front steps of the Circuit Court, 316 Main St., in the City of Klamath Falls, County of Klamath, OR; H. Right to Reinstate Notice is Further Given that at any time prior to five days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Trustee 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 to the Trustee actually incurred by Beneficiary and Trustee in enforcing the obligation and Trust Deed, together with Trustee's fees and Attorney's fees; I. 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 the Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest; J. Any. Dated: June 20, 2002. For Trustee's Sale information please call (925) 603-7342. Fidelity National

63538

National Title Insurance Company, c/o
Standard Trustee
Service Company
Washington, 2600
Stanwell Drive,
Suite 200, Concord,
CA 94520. (925) 604-
1000. By: Peggy
Payne, it's Assistant
Secretary, as an
authorized agent.
We are attempting
to collect a debt and
any information we
obtain will be used
for that purpose.

U.S. No: 100-
ONMC057443 (Loan
No: 2737986/685/
Miller) (RSVP42205)
(09/24/02, 10/01/02,
10/08/02, 10/15/02).
#407, September 24,
October 1, 8, 15,
2002.

RSVP

OCT 2 REC'D

STATE OF CALIFORNIA
COUNTY OF Contra Costa

) In the matter of Notice of Sale
) S.S. File # ONMC057443

Priscilla Davis of Standard Trustee Service Company WA, P.O. Box 5070 of Concord, CA 94524-0070 being duly sworn, deposes and says; That she/he is over the age of eighteen years; That on 06/20/2002, by certified mail, return receipt requested/regular mail enclosed in a sealed envelope with prepaid postage thereon, she/he deposited in the United States Post Office at Concord, CA a true and correct copy of which is hereunto attached and made a part hereof, addressed to the following:

Certified mail
& first class mail

Ron J. Miller
925 Upham Street
Klamath Falls, OR 97601

Certified mail
& first class mail

Occupants of the Premises
925 Upham Street
Klamath Falls, OR 97601

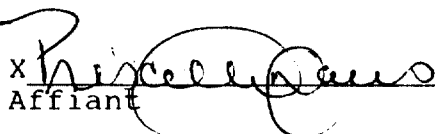
Certified mail
& first class mail

Ron J. Miller
19046 Choctaw Road
Bend, OR 97702

Certified mail
& first class mail

Ron J. Miller
2511 Patterson
Klamath Falls, OR 97603

The receipts for certification of said letters are hereunto affixed and made a part hereof. I certify (or declare) under penalty of perjury that the foregoing is true and correct.

x 
Affiant

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA)

COUNTY OF Contra Costa)

On 10-31-07 before me, A. Rigsby
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared, Priscilla Davis

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.

A. Rigsby (SEAL)
NOTARY PUBLIC SIGNATURE



OPTIONAL INFORMATION

THIS OPTIONAL INFORMATION SECTION IS NOT REQUIRED BY LAW BUT MAY BE BENEFICIAL TO PERSONS RELYING ON THIS NOTARIZED DOCUMENT.

TITLE OR TYPE OF DOCUMENT _____

DATE OF DOCUMENT _____ NUMBER OF PAGES _____

SIGNER(S) OTHER THAN NAMED ABOVE _____

SIGNER'S NAME _____ SIGNER'S NAME _____

RIGHT THUMBPRINT

RIGHT THUMBPRINT