

02 NOV 12 AM 10:29

Vol M02 Page 65036

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 11/12/2002 11:29 a. m.

Vol M02, Pg 65036-46

Linda Smith, County Clerk

Fee \$ 86.00 # of Pgs 11

K58847

THE SPACE ABOVE LINE IS FOR RECORDER'S USE ONLY

T.S. NO.: 2002-28845-C

LOAN NO.: 4000311437

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

K 7/15

T.S. NO.: 2002-28845-C  
LOAN NO.: 4000311437

**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 **LUIS CERDA**, for **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 Santa Ana, CA on 7/30/2002. 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.



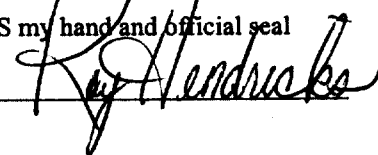
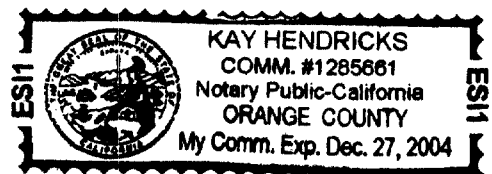
TERI VON ACHEN

STATE OF CALIFORNIA  
COUNTY OF ORANGE

On July 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

T.S. No. 2002-28845-C

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

<u>NAME</u>	<u>ADDRESS</u>
VERN JOHNSON	4317 AVALON STREET KLAMATH FALLS, OREGON 97603
MIKE MAC FARLANE	4317 AVALON STREET KLAMATH FALLS, OREGON 97603
VERN JOHNSON	4317 AVALON PLACE KLAMATH FALLS, OR 97603
MIKE MAC FARLANE	4317 AVALON PLACE KLAMATH FALLS, OR 97603
CARTER JONES COLLECTIONS	1143 PINE STREET KLAMATH FALLS, OR 97601
KLAMATH IRRIGATION DISTRICT	6640 KID LANE KLAMATH FALLS, OR 97603

# **. TRUSTEE'S NOTICE OF SALL**

**65039**

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.  
Trustee No.: 2002-28845-C

Reference is made to that certain Trust Deed made by VERN JOHNSON AND MIKE MACARLANE, NOT AS TENANTS IN COMMON BUT WITH FULL RIGHTS OF SURVIVORSHIP, as Grantor, to ASPEN TITLE & ESCROW, INC., as Trustee, in favor of DALE CARLILE AND BOBBIE CARLILE, HUSBAND AND WIFE WITH FULL RIGHTS OF SURVIVORSHIP, as Beneficiary, dated 10/22/1991, recorded 10/29/1991, in the mortgage records of KLAMATH, Oregon, as Instrument No. 36644, in Book M91, Page 22527. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by ASSOCIATES FIRST CAPITOL MORTGAGE CORP.. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

**LOT 123 FIRST ADDITION TO CASITAS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.**

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

**4317 AVALON STREET  
KLAMATH FALLS, OREGON 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>
10/1/2001	10.5	15	\$388.31		\$5,824.65

Late Charges: \$271.82

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<u>ADVANCES:</u>	<u>AMOUNT</u>
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Grand Total: \$6,096.47

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 \$37,025.43 together with interest thereon at the current rate of 10.5% per annum from 9/1/2001 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 12/4/2002, 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 CLATSOP, State 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.

65040

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: July 19, 2002

FIRST AMERICAN TITLE INSURANCE  
COMPANY

By 

Luis Cerda, Assist. Sec.

For further information, please contact:

FIRST AMERICAN TITLE INSURANCE COMPANY  
200 S.W. MARKET STREET, SUITE 250  
PORTLAND, OR 97201-5730  
C/O LAW OFFICES OF STEVEN J. MELMET, INC.  
(949) 263-1000

STATE OF CA  
COUNTY OF Orange ) ss.

I certify that I, Luis Cerda am an authorized representative of FIRST AMERICAN TITLE INSURANCE COMPANY, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

  
Authorized Representative of Trustee

Luis Cerda, Assist. Sec.

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

**AFFIDAVIT OF MAILING**

TS: 2002-28845-C  
DATE: July 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 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.

VERN JOHNSON  
4317 AVALON STREET  
KLAMATH FALLS, OREGON 97603  
CERTIFIED:71086095528006088995

VERN JOHNSON  
4317 AVALON STREET  
KLAMATH FALLS, OREGON 97603  
First Class

MIKE MAC FARLANE  
4317 AVALON STREET  
KLAMATH FALLS, OREGON 97603  
CERTIFIED:71086095528006089008

MIKE MAC FARLANE  
4317 AVALON STREET  
KLAMATH FALLS, OREGON 97603  
First Class

VERN JOHNSON  
4317 AVALON PLACE  
KLAMATH FALLS, OR 97603  
CERTIFIED:71086095528006089015

VERN JOHNSON  
4317 AVALON PLACE  
KLAMATH FALLS, OR 97603  
First Class

MIKE MAC FARLANE  
4317 AVALON PLACE  
KLAMATH FALLS, OR 97603  
CERTIFIED:71086095528006089022

MIKE MAC FARLANE  
4317 AVALON PLACE  
KLAMATH FALLS, OR 97603  
First Class

**AFFIDAVIT OF MAILING**

TS: 2002-28845-C  
DATE: July 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 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.

CARTER JONES COLLECTIONS  
1143 PINE STREET  
KLAMATH FALLS, OR 97601  
CERTIFIED:71086095528006089039

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

KLAMATH IRRIGATION DISTRICT  
6640 KID LANE  
KLAMATH FALLS, OR 97603  
CERTIFIED:71086095528006089046

KLAMATH IRRIGATION DISTRICT  
6640 KID LANE  
KLAMATH FALLS, OR 97603  
First Class

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

DALE CARLILE AND BOBBIE CARLIEL  
HUSBAND & WIFE WITH FULL RIGHTS OF  
SURVIVORSHIP

vs

VERN JOHNSON ETAL

STATE OF OREGON )  
COUNTY OF MULTNOMAH ) SS.

ORIGINAL  
AFFIDAVIT/PROOF OF SERVICE  
Client # 179594

I hereby certify that on the 9th day of August, 2002, at the hour of 9:10AM, a copy of a TRUSTEE'S NOTICE OF SALE & NOTICE OF DEFAULT AND ELECTION TO SELL was served to all occupant(s) located at 4317 Avalon St., Klamath Falls, OR 97603.

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

I served Occupant(s), Susan McCarlane by PERSONAL SERVICE

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

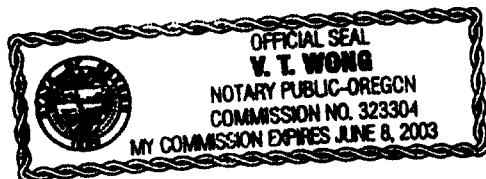
**ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF KLAMATH**

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 4317 Avalon St., Klamath Falls, OR 97603 on AUG 15 2002.  
Signed: J. J. Maloney

Subscribed to and sworn to before me this  
15th day of August, 2002 by J. J. Maloney



V. T. Wong  
Notary for the State of Oregon



**PROOF OF SERVICE  
JEFFERSON STATE ADJUSTERS**

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:

Occupants of 4317 Avalon Place

☒ PERSONALLY SERVED: Original or True Copy to within named, personally and in person to: Susan MacFarlane 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.

ADDRESS OF SERVICE

STREET

UNIT / APT. / SPC#

4317 Avalon Place

Klamath Falls

CITY

Oregon

STATE

97603

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.

Aug. 9, 2002

DATE OF SERVICE

9:10

TIME OF SERVICE

a.m. ☒ p.m. ☐

Dave Shuck

SIGNATURE

or not found  
PRINTED IN OREGON

## Affidavit of Publication

65045

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 # 5150

Notice of Sale/Johnson-MacArlane

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 4, 11, 18, 25, 2002

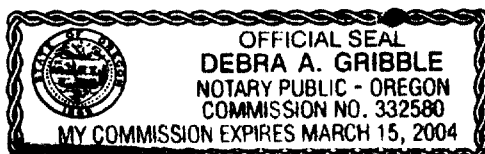
T:

Subscribed and sworn

before me on: September 25, 2002

Notary Public of Oregon

My commission expires March 15, 2004



TRUSTEE'S  
NOTICE OF SALE  
Pursuant to ORS  
86.735, et seq. and  
ORS 79.5010 et seq.  
Trustee Notice  
2002-28845-C, not  
recorded.

Reference is made to that certain deed made by Vern Johnson and Mike MacArlane, not as tenants in common but with full rights of survivorship, as grantor, to Aspen Title & Escrow, Inc., as Trustee, in favor of Dale Carille and Bobbie Carille, husband and wife with full rights of survivorship, as beneficiary, dated 01/22/1991, recorded 10/29/1991 in the mortgage records of Klamath, Oregon as Instrument No. 36644 in book M91, page 2257. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Associates First Capital Mortgage Corp. Said Trust Deed encumbers the following described real property situated in said county and state to wit: 123 First Addition to Casitas, according to the official plat thereof on file in the office of the county clerk of Klamath County, Oregon. The street address or other common designation, if any, of the real property above is purported to be: 434 1/2 North Street, Klamath Falls, OR 97603. The undersigned trustee disclaims any liability for any incorrectness in the above description or any common designation of the real property. But the beneficiary and the trustee have elected to sell the said real property

to satisfy the obligations secured by said Trust Deed. A Notice of Default has been recorded pursuant to Oregon Revised Statutes 86.735(3) in default for which the foreclosure is made is grantor's failure to pay, when due, the following sums: From 9/01/2001 to Int. Rate 10.5% No. Pmt. 15; Amount \$388.31; Impound \$, Total \$5,824.65; Late Charges: \$271.82; Advances: Amount, Grand Total: \$6,096.47.

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 and 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 \$37,025.43 together with interest thereon at the current rate of 10.5% per annum from 9/01/2001 until paid, plus all accrued late charges, escrow ad-

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 12/04/2002, 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 County Courthouse, 316 Main St., Klamath Falls, OR, 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 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

01022

being caused by ten-  
 dered by the perform-  
 ance of the deed under  
 the conditions or to  
 clause of the deed by  
 payment of costs and  
 expenses actually  
 incurred in enforc-  
 ing the obligation  
 and Trust Deed, to  
 either of the trustee  
 and beneficiary of the  
 deed, or in the  
 title of the deed  
 the deed includes  
 the feminine and the  
 masculine and the  
 neuter and the  
 plural and the  
 singular and the  
 includes any succe-  
 sor 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" in-  
 clude their respec-  
 tive successors in in-  
 terest, if any.  
 Dated July 19, 2002  
 By: Luis Carda, As-  
 sist. Secretary. For  
 further information,  
 please contact:  
 First American Title  
 Insurance Company  
 201 SW Market  
 Street, Suite 250,  
 Portland, OR 97201  
 5730, C/O Law Office  
 of S. J. Carda, P.A.  
 Inc. (503) 263-1000  
 This is an attempt to  
 collect debt and  
 any information ob-  
 tained will be used  
 for that purpose.  
 9/17/04, 9/11/04,  
 9/18/04, 9/25/2002,  
 9/15/04, September 4,  
 11/18/25/2002.