

03 JAN 17 AM 11:13

ASPEN 55699

Vol M03 Page 03238

**RECORDING COVER SHEET FOR NOTICE
OF SALE PROOF OF COMPLIANCE PER
O.R.S. 205.234**

THIS COVER SHEET HAS BEEN PREPARED BY THE
PERSON PRESENTING THE ATTACHED
INTRUMENT FOR RECORDING, ANY ERRORS IN
THIS COVER SHEET DO NOT AFFECT THE
TRANSACTION(S) CONTAINED IN THE
INSTRUMENT ITSELF.

State of Oregon, County of Klamath
Recorded 01/17/2003 11:13 a m.
Vol M03 Pg 03238-47
Linda Smith, County Clerk
Fee \$ 76.00 # of Pgs 10

WHEN RECORDED MAIL TO

REGIONAL TRUSTEE SERVICES CORPORATION, as Trustee
720 Seventh Avenue, Suite 100
Seattle, WA 98104

Trustee's Sale No: 09-MS-30276



MARK NAME(S) OF ALL THE TRANSACTION(S) described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.

☒ **AFFIDAVIT OF MAILING NOTICE OF SALE** (must have trustee's notice of sale attached)

☒ **AFFIDAVIT OF PUBLICATION NOTICE OF SALE**

☒ **PROOF OF SERVICE /AFFIDAVIT OF NON-OCCUPANCY**

Original Grantor on Trust Deed

LORELLA M. PETZNICK, AN ESTATE IN FEE SIMPLE

Beneficiary

TMS MORTGAGE, INC., D/B/A THE MONEY STORE

66A
x10

03239

REGIONAL TRUSTEE SERVICES CORPORATION
720 Seventh Avenue, Suite 400
Seattle, WA 98104
Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-MS-30276



Affidavit of Mailing Trustee's Notice of Sale

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

The undersigned, being first duly sworn, states that I am now, and at all times herein mentioned was a citizen of the United States a resident of the State of Washington, and over the age of eighteen years, and not the beneficiary or his successor in interest named in the attached original Notice of Sale given under the terms of that certain trust deed described in said Notice.

That I gave notice of the sale of the real property described in the attached Notice of Sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

LORELLA M PETZNICK, C/O U.M. PETZNICK, PO BOX 414, GILCHRIST, OR, 97737
LORELLA M. PETZNICK, 137314 NORTH 97 HIGHWAY, CRESCENT, OR, 97737
LORELLA M. PETZNICK, PO BOX 683, GILCHRIST, OR, 97737
PARTIES IN POSSESSION, 137314 NORTH 97 HIGHWAY, CRESCENT, OR, 97737
SPOUSE OF LORELLA M. PETZNICK, 137314 NORTH 97 HIGHWAY, CRESCENT, OR, 97737
SPOUSE OF LORELLA M. PETZNICK, PO BOX 683, GILCHRIST, OR, 97737
SPOUSE OF LORELLA M. PETZNICK, PO BOX 414, GILCHRIST, OR, 97737

TSG NOTIFIES; NONE, , , ,

Said persons include (a) the grantor in the trust deed, (b) successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required b ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by an authorized representative of 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 Seattle, WASHINGTON, on 10/1/2002. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the Notice of Default and Election to Sell described in said Notice of Sale was recorded.

OR_Mailing Aff

03240

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

SOURAPHOL VONGMANI

Souraphol Vongmani

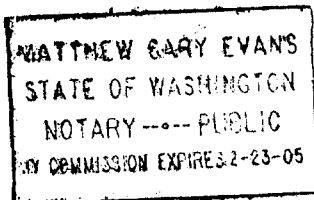
On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on 10/1/2002

[Signature]

NOTARY PUBLIC for WASHINGTON

My commission expires: 2/23/2005



NOTICE TO BORROWER: YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.
Trustee's Sale No. 09-MS-30276



Reference is made to that certain Deed of Trust made by, LORELLA M. PETZNICK, AN ESTATE IN FEE SIMPLE, as grantor, to FIRST AMERICAN TITLE, as Trustee, in favor of TMS MORTGAGE, INC., D/B/A THE MONEY STORE, as beneficiary, dated 4/24/2000, recorded 4/26/2000 in Volume M00, page 14437, of Deeds of Trust, under Instrument No. , rerecorded under Auditor's/Recorder's No. V-M00 P-37057, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by WELLS FARGO BANK MINNESOTA, NA, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF 2/28/01, SERIES 2001-A. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

ATTACHED HERETO AS EXHIBIT 'A' AND INCORPORATED HEREIN AS THOUGH FULLY SET FORTH.

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

137314 NORTH 97 HIGHWAY
CRESCENT, OR 97737

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:

| | Amount due as of September 26, 2002 ----- |
|---------------------------------------|---|
| Delinquent Payments from May 01, 2002 | |
| 3 payments at \$ 350.65 each | \$ 1,051.95 |
| 2 payments at \$ 474.09 each | \$ 948.18 |
| (05-01-02 through 09-26-02) | |
| Late Charges: | \$ 87.65 |
| Beneficiary Advances: | \$ 115.10 |
| | ===== |
| TOTAL: | \$ 2,202.88 |

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:

UNPAID PRINCIPAL BALANCE OF \$39,449.69, PLUS interest thereon at 9.500% per annum from 4/1/2002 to 8/1/2002, 9.500% per annum from 8/1/2002, until paid., together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee, will on January 27, 2003, at the hour of 10:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell 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 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 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 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 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 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: September 26, 2002

REGIONAL TRUSTEE SERVICES CORPORATION
Trustee

By



CHRIS REBHUN, CHIEF EXECUTIVE OFFICER
720 Seventh Avenue, Suite 400, Seattle, WA 98104
Phone: (206) 340-2550
Sale Information: <http://www.rtrustee.com>

STATE OF WASHINGTON }
 } ss.
COUNTY OF KING }

I certify that I am an authorized representative of trustee, and the foregoing is a complete and exact copy of the original trustee's notice of sale.

Authorized Representative of Trustee

EXHIBIT "A"
EXHIBIT FOR LEGAL DESCRIPTION

A portion of the SW 1/4 NE 1/4 of Section 30, Township 24 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the corner common to Sections 19, 20, 29 and 30, Township 24 South, Range 9 East of the Willamette Meridian, and running South 87° 41 1/2' West 1722.76 feet, more or less, to a point on the Westerly right of way line of the Dalles-California Highway; thence South 15° 34' West 450.0 feet along said Westerly right of way line; thence North 74° 26' West 80 feet; thence South 15° 34' West 1021.26 feet to the true point of beginning; thence South 74° 26' East 80 feet; thence North 15° 34' East 70 feet; thence North 74° 26' West 80 feet; thence South 15° 34' West 70 feet, to the true point of beginning.

(PETZVICK)
CAMS3(2)16
PS-UR/
03244

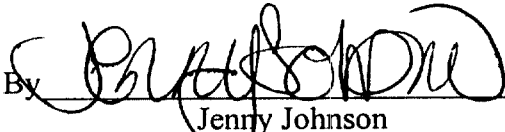
AFFIDAVIT OF MAILING

STATE OF: OREGON

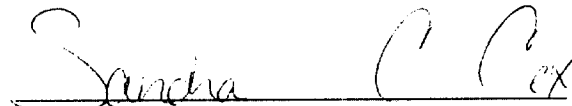
COUNTY OF: KLAMATH

I hereby certify that on the 1ST day of October, 2002, I mailed a Certified true copy of the Trustee's Notice of Sale to the occupants of 137314 North 97 Highway Crescent, Oregon 97737 upon whom substitute service was made on the 30th day of September, 2002, with a statement of the date, time and place at which service was made.

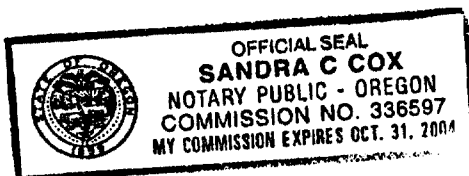
Dated this 1st day of October, 2002.

By 
Jenny Johnson

Subscribed and sworn before me this 1 day of October, 2002.


Notary Public for Oregon

My Commission Expires: 10/31/04



mailed 10/1 (subservice)

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

03245

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 137314 North 97 Highway Crescent, OR 97737

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

☒ SUBSTITUTE SERVICE: By delivering an Original or True Copy to Keith Powell, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: Lisa Powell.

☐ 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>137314 North 97 Highway</u> | | UNIT / APT. / SPC# | |
| ADDRESS OF SERVICE | STREET | | |
| <u>Crescent</u> | <u>Oregon</u> | <u>97737</u> | |
| 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.

September 30th, 2002 9:55 a.m. ☒ p.m. ☐
DATE OF SERVICE TIME OF SERVICE

SIGNATURE Dave Shuck

Affidavit of Publication

03246 RS-OR

30276

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 # 5231 500241
Notice of Sale/Petznick

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

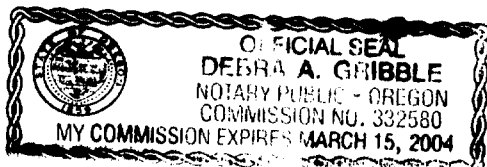
Insertion(s) in the following issues:
October 8, 15, 22, 29, 2002

Total Cost:

Larry L. Wells
Subscribed and sworn
before me on: October 29, 2002

Debra A. Gribble
Notary Public of Oregon

My commission expires March 15, 2004



TRUSTEE'S NOTICE OF SALE
Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq. Trustee's Sale No. 09-MS-30276 Notice to Borrower: You should be aware that the undersigned is attempting to collect a debt and that any information obtained will be used for that purpose.

Reference is made to that certain Deed of Trust made by, Lorella M. Petznick, an estate in fee simple, as grantor, to First American Title, as Trustee, in favor of TMS Mortgage, Inc., d/b/a The Money Store, as beneficiary, dated 4/24/2000, recorded 4/26/2000 in Volume M00, page 14437, of Deeds of Trust, under Instrument No. -, rerecorded under Auditor's/Recorder's No. V-M00 P-37057, records of Klamath County, Oregon. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Wells Fargo Bank Minnesota, NA, as Trustee under the Pooling and Servicing Agreement dated as of 2/28/01, Series 2001-A. Said Trust Deed encumbers the following described real property situated in said county and state, to wit:

feet, more or less, to a point on the Westerly right of way line of the Dalles-California Highway; thence South 15° 34' West 450.00 feet along said Westerly right of way line; thence North 74° 26' West 80 feet; thence South 15° 34' West 1021.26 feet to the true point of beginning; thence South 74° 26' East 80 feet; thence North 15° 34' East 70 feet; thence North 74° 26' West 80 feet; thence South 15° 34' West 70 feet, to the true point of beginning.

The street address or other common designation, if any, of the real property described above is purported to be: 137314 North 97 Highway Crescent, OR 97737. 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:

Amount due as of September 26, 2002 Delinquent Payments from May 01, 2002 3 payments at \$350.65 each \$1,051.95 2 payments at \$474.09 each \$948.18 (05-01-02 through 09-26-02) Late Charges: \$87.65 Beneficiary Advances: \$115.10 Total: \$2,202.88.

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: Unpaid Principal Balance of \$39,449.69, Plus interest thereon at 9.500% per annum from 4/1/2002 to 8/1/2002, 9.500% per annum from 8/1/2002, until paid., together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

Wherefore, notice hereby is given that the undersigned trustee, will on January 27, 2003, at the hour of 10:00 AM, in accord with the standard of time established by ORS 187.110, on the front steps of the Circuit Court, 316 Main Street, Klamath Falls, County of Klamath, State of Oregon, sell 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 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 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 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 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: September 26, 2002. Regional Trustee Services Corporation, Trustee. By: Chris Rebhuhn, Chief Executive Officer, 720 Seventh Avenue, Suite 400, Seattle, WA 98104 Phone: (206) 340-2550 Sale Information:

<http://www.rtrustee.com>. ASAP500241
10/08, 10/15, 10/22, 10/29.
#5231 October 8, 15, 22, 29, 2002.