

Vol M03 Page 11645Record 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 02/26/2003 11:15 a m.  
Vol M03 Pg 11645-54  
Linda Smith, County Clerk  
Fee \$ 46.00 # of Pgs 10

**TRUSTEE'S NOTICE OF SALE**

T.S. No: ONMC058108 PAP

Loan No: 5690285/Van Horn

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): Fredrick W. Van Horn, Jr. , a married man as his sole and separate property  
TRUSTEE: First American Title Insurance Company of Oregon  
SUCCESSOR TRUSTEE: Fidelity National Title Insurance Company  
BENEFICIARY: Capitol Commerce Mortgage Co., a California Corporation

B. DESCRIPTION OF PROPERTY:

Please See Attached

Property commonly known as: 148112 Highway 97 Gilchrist, OR 97737

C. TRUST DEED INFORMATION:

DATED DATE: 04/26/2000  
RECORDING DATE: 05/05/2000  
INSTRUMENT NO.: Book: M00 Page: 16310  
ASSIGNMENT INFORMATION:  
RECORDING DATE: 08/01/2000, VOL:MOO PAGE:28049  
ASSIGNEE: Wells Fargo Home Mortgage, Inc.  
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 07/01/2002 and all subsequent installments and late charges.

TOTAL PAYMENTS AND LATE CHARGES \$2,757.42

2. Other Arrearages:

\$51.21

TOTAL AMOUNT DUE: \$2,808.63  
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: \$66,257.89

**IMPORTANT: READ SECOND & THIRD PAGE OF THIS DOCUMENT**

03 FEB 26 AM 11:15

46A

T.S. No: ONMC058108 PAP


Loan No: 5690285/Van Horn

In addition to said principal, interest at the rate of variable as provided in the Note or other instrument secured, shall be payable from 06/01/2002 at 8.500%, 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 A.M. Friday, 02/28/2003  
 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.

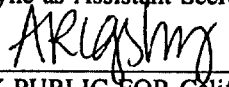
Dated: October 23, 2002

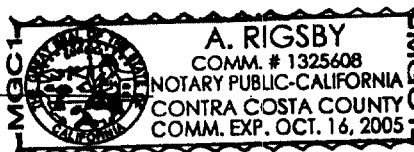
Fidelity National Title Insurance Company  
 c/o Standard Trustee Service Company Washington  
 2600 Stanwell Drive, Suite 200  
 Concord, Ca 94520  
 (925)603-1000

  
 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 October 23, 2002 by  
 Peggy Payne as Assistant Secretary of Standard Trustee Service Company Washington

  
 NOTARY PUBLIC FOR California  
 MY COMMISSION EXPIRES: \_\_\_\_\_



## DESCRIPTION OF PROPERTY

11647

The following described real property situate in Klamath County, Oregon:

### PARCEL 1:

Beginning at a point which bears North 89 degrees 34' West 1745.3 feet from the quarter corner between Section 24, Township 23 South, Range 9 E.W.M., and Section 19, Township 23 South, Range 10 E.W.M., which is the intersection of the East and West center line of said section 24 and the Westerly right of way line of the Dallas California Highway; thence continuing West along said Section line a distance of 894.7 feet, more or less, to the center of said Section 24; thence South on the North-South center section line a distance of 100.8 feet to a point; thence East, parallel to said East-West center section line, a distance of 834.7 feet to the Northwesterly right of way line of the Dallas-California Highway; thence North 30 degrees 48' East, along said right of way line a distance of 117.3 feet more or less, to the point of beginning, said parcel being situated in the NW 1/4 to SE 1/4 of section 24, Township 23 South, Range 9 E.W.M., and containing 2.0 acres, more or less, Less and Excepting any portion lying within the right of way of the Walker Basin Canal.

### PARCEL 2:

Beginning at a point which bears N. 89 degrees 34' W., 1745.3 feet from the quarter corner between Section 24, Township 23 S., R. 9 E.W.M., and section 19, Township 23 S., R. 10 E.W.M., which is the intersection of the East and West center line of said Section 24 and the Westerly right of way line of the Dallas California Highway; thence North 30 degrees 48' East 305.98 feet along the Westerly right of way line of said highway to an iron pin; thence North 89 degrees 34' West 410.08 feet to the center line of the Walker Irrigation Canal; thence South 33 degrees 30' West 314.96 feet to a point on the said center line of Section 24; thence South 89 degrees 34' East 428 feet to the point of beginning all lying within the SW1/4 & NE 1/4 of Section 24, Township 23 South, Range 9 West of the Willamette Meridian, Klamath County, Oregon.

**STANDARD TRUSTEE SERVICE COMPANY WASHINGTON**  
2600 Stanwell Drive, Ste. 200  
Concord, CA 94520  
925-603-1000  
FAX 925-685-3735

**11648**

T.S. Number: ONMC058108 PAP  
Loan Number: 5690285/Van Horn

**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

11649

State of Oregon     )  
County of Klamath    )

Court Case No.  
Sheriff's Case No. 02-03298

Received for Service 10/28/02

I hereby certify that I received for service on  
VANHORN, FREDERICK JR  
the within:

TRUSTEE'S NOTICE OF SALE

VANHORN, FREDERICK JR

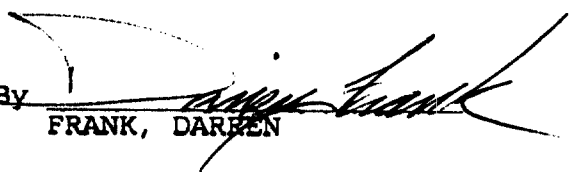
was unable to be located within Klamath County after due and  
diligent search and inquiry. I hereby return this process as  
Not Found, on 10/31/02, at 12:55 hours.

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

Timothy M. Evinger, Sheriff

Klamath County, Oregon

By

  
FRANK, DARREN

Copy to:

TRANSERV LEGAL PROCESS  
310 SW 4TH AVE #200  
PORTLAND

POB 4  
OR 97204

# Affidavit of Publication

11650

## 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 # 5428

Notice of Sale/Van Horn

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:  
January 14, 21, 28, February 4, 2003

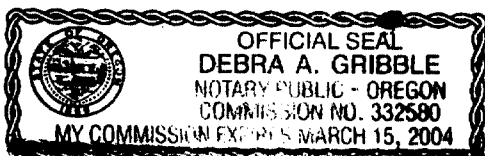
Total Cost: \$1,039.50

*Larry L. Wells*  
Subscribed and sworn

before me on: February 4, 2003

*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): Frederick W. Van Horn, Jr., a married man as his sole and separate property, Trustee: First American Title Insurance Company of Oregon, Successor Trustee: Fidelity National Title Insurance Company, Beneficiary: Capitol Commerce Mortgage Co., a California Corporation; B. Description of Property: The following described real property situate in Klamath County, Oregon: Parcel 1: Beginning at a point which bears North 89 degrees 34' West 1745.3 feet from the quarter corner between Section 24, Township 23 South, Range 9 E.W.M., and Section 19, Township 23 South, Range 10 E.W.M., which is the intersection of the East and West center line of said section 24 and the Westerly right of way line of the Dallas California Highway; thence continuing West along said Section line a distance of 894.7 feet, more or less, to the center of said Section 24; thence South on the North-South center section line a distance of 100.8 feet to a point; thence East, parallel to said East-West center section line, a distance of 834.7 feet to the Northwesterly

right of way line, a distance of 834.7 feet to the Northwesterly right of way line of the Dallas-California Highway; thence North 30 degrees 48' East, along said right of way line a distance of 117.3 feet more or less, to the point of beginning; said parcel being situated in the NW 1/4 of section 24, Township 23 South, Range 9 E.W.M., and containing 2.0 acres, more or less. Less and Excepting any portion lying within the right of way of the Walker Basin Canal. Parcel 2: Beginning at a point which bears N. 89 degrees 34' W. 1745.3 feet from the quarter corner between Section 24, Township 23 S., R. 9 E.W.M., and section 19, Township 23 S., R. 10 E.W.M., which is the intersection of the East and West center line of said Section 24 and the Westerly right of way line of the Dallas California Highway; thence North 30 degrees 48' East 305.98 feet along the Westerly right of way line of said Highway to an iron pin; thence North 89 degrees 34' West 410.08 feet to the center line of the Walker Irrigation Canal; thence South 33 degrees 30' West 314.96 feet to a point on the said center line of Section 24; thence South 89 degrees 34' East 428 feet to the point of beginning all lying within the SW 1/4 & NE 1/4 of Section 24, Township 23 South, Range 9 West of the Willamette Meridian, Klamath County, Oregon. Property commonly known as: 148112 Highway 97, Gilchrist, OR 97737; C. Trust Deed

Information: Dated Date: 04/26/2000, Recording Date: 05/05/2000, Book: M00, Page: 16310, Assignment: Recording Date: 08/01/2000, VOL: M00, PAGE: 28049, Assignee: Wells Fargo Home Mortgage, Inc., 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 07/01/2002 and all subsequent installments and late charges. Total payments and late charges: \$2,757.42; 2) Other Arrearages: \$51.21; Total Amount Due: \$2,808.63; 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: \$66,257.89. In addition to said principal, interest at the rate of variable as provided in the Note or other instrument secured, shall be payable from 06/01/2002 at 8.500 %, 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 A.M., Friday, 02/28/2003. 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, if any. Dated: October 23, 2002

For Trustee's Sale Information please call (925) 603-7342. 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. We are attempting to collect a debt and any information we obtain will be used for that purpose. (T.S. No.: ONMAC058108) (Loan No.: 5690285/Van Horn) (RSVP44600) (01/14/03, 01/21/03, 01/28/03, 02/04/03) #5428 January 14, 21, 28, February 4, 2003.

STATE OF CALIFORNIA  
COUNTY OF Contra Costa

) In the matter of Notice of Sale  
) S.S. File # ONMC058108

Kathy McFarland of Standard Trust Deed 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 10/30/2002, 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

Frederick W. Van Horn Jr.

& first class mail

PO Box 500 PMB 7222

71603901984105774770

La Pine, OR 97739

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



STATE OF CALIFORNIA  
COUNTY OF Contra Costa

)      In the matter of Notice of Sale  
) S.S.      File # ONMC058108

Kathy McFarland of Standard Trust Deed 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 10/21/2002, 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

Fredrick W. Van Horn, Jr.  
148112 Highway 97  
Gilchrist, OR 97737

Certified mail  
& first class mail

Occupants of the Property  
148112 Highway 97  
Gilchrist, OR 97737

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 2/22/03 before me, A. Riggsby  
 DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared, K. McFarland

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. Riggsby (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 |
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| RIGHT THUMBPRINT |
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