

# Affidavit of Publication

Vol M03 Page 29282

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## 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 # 5542

Notice of Sale/Miranda

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

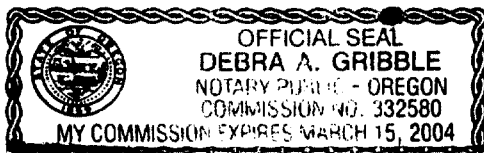
Insertion(s) in the following issues:  
February 26, March 5, 12, 29, 2003

Total Cost: \$864.00

*Larry L. Wells*  
Subscribed and sworn  
before me on: March 19, 2003

*Debra A. Gribble*  
Notary Public of Oregon

My commission expires March 15, 2004



State of Oregon, County of Klamath  
Recorded 05/02/2003 3:03P m.  
Vol M03 Pg 29282-01  
Linda Smith, County Clerk  
Fee \$ 71.00 # of Pgs 11

**NOTICE:** We are attempting to collect a debt, any information obtained will be used for purposes of debt collecting.

### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Edward A. Miranda, Sr. and Bernadett Miranda, tenants in entirety, as grantor, to Amerititle, as trustee, in favor of Alliance Funding, a Division of Superior Bank FSB, as beneficiary, dated April 13, 1999, recorded April 19, 1999, in the mortgage records of Klamath County, Oregon, in M-99, Page 14234, covering the following described real property situated in said county and state, to-wit:

### EXHIBIT "A"

A tract of land situated in the NE 1/4 SW 1/4 of Section 3, Township 36 South, Range 6 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Starting from the Northwest corner NE 1/4 SW 1/4 of Section 3, Township 36 South, Range 6 East of the Willamette Meridian; thence South 89 degree 50' East a distance of 596.39 feet; thence South a distance of 223.26 feet to an iron pin; the point of beginning; thence South a distance of 74.83 feet to an iron pin; thence South 69 degree 26' 53" East, a distance of 131.65 feet to an iron pin; thence Northerly on the Westerly side of the County road, along a curve left having a radius of 543 feet, a

distance of 100 feet to an iron pin; thence North 80 degree 37' 11" West a distance of 151.61 feet, more or less, to the point of beginning.

Commonly known as: 26408 Rocky Point Rd., Klamath Falls, OR 97601.

Both the beneficiary and the trustee, Krista L. White, 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:

1. Monthly Payments: Delinquent monthly payments from August 1, 2002 through January 1, 2003; 6 Payment(s) at \$438.54 - \$2,631.24; Miscellaneous Lender Fees \$29.94; Late Charges: 5 Late Charge(s) at \$21.66 for each monthly payment not made within 15 days of its due date: \$108.30; Taxes Advanced \$838.13; Past Due Late Charges \$343.83; Total Monthly Payments and Late Charges: \$3,951.44.

2. Delinquent Real Property Taxes, if any.

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, to-wit: Unpaid balance as of January 7, 2003 is \$51,334.10. In addition

there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property accrue after the date of this notice.

**WHEREFORE,** notice hereby is given that the undersigned trustee, Krista L. White, will on May 13, 2003, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, of Klamath County, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed together with any interest which the grantor or grantor's 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

CONT'D on  
REVERSE SIDE

principal as would not then be due had no default occurred), paying all advances authorized under the trust deed, including all costs and expenses incurred in enforcing the obligation and trust deed, and by curing any other default complained of therein 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 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: January 7, 2003. Krista L. White, Trustee. For information contact: Bishop, Lynch & White, P.S., 720 Olive Way, #1301, Seattle, WA 98101-1801. (206) 622-7527. Ref: Miranda, 349-X0676;01. #5542 February 26, March 5, 12, 19, 2003.

**FIDELITY NATIONAL TITLE - NDS**  
**2410537**

**29284**

After recording return to:  
BISHOP, LYNCH & WHITE, P.S.  
720 Olive Way, #1301  
Seattle, WA 98101-1801  
Attn: Robin Burris  
Miranda, 349-X0676.01

Recorded herewith are the following:

- ☐ Affidavit(s) of Mailing # \_\_\_\_\_  
☐ Proof(s) of Service # \_\_\_\_\_  
☐ Affidavit of Publication  
☐ Certificate(s) of Mailing # \_\_\_\_\_  
☐ Affidavit of Non-Occupancy \_\_\_\_\_

*Aspen 56118*

**NOTICE: WE ARE ATTEMPTING TO COLLECT A DEBT, ANY INFORMATION OBTAINED WILL BE USED FOR PURPOSES OF DEBT COLLECTING.**

**TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain trust deed made by Edward A. Miranda, Sr. and Bernadett Miranda, tenants in entirety, as grantor, to Amerititle, as trustee, in favor of Alliance Funding, a Division of Superior Bank FSB, as beneficiary, dated April 13, 1999, recorded April 19, 1999, in the mortgage records of Klamath County, Oregon, in M-99, Page 14234, covering the following described real property situated in said county and state, to-wit:

See Legal Description attached hereto as Exhibit "A" and incorporated herein by this reference.

Commonly known as: 26408 Rocky Point Rd., Klamath Falls, OR 97601

Both the beneficiary and the trustee, Krista L. White, 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:

1.

**Monthly Payments:**

Delinquent monthly payments from August 1, 2002 through January 1, 2003

6	Payment(s) at	\$438.54	\$2,631.24
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	Miscellaneous Lender Fees		29.94
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**Late Charges:**

5	Late Charge(s) at	21.66	
	for each monthly payment not		
	made within 15 days of its due		
	date:		108.30

	Taxes Advanced		838.13
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	Past Due Late Charges		343.83
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	<b>TOTAL MONTHLY PAYMENTS AND LATE CHARGES</b>		<b>\$3,951.44</b>
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2. Delinquent Real Property Taxes, if any.

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, to-wit:

Unpaid balance as of January 7, 2003 is \$51,334.10. In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property accrue after the date of this notice.

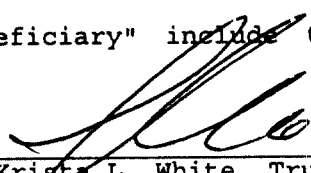
WHEREFORE, notice hereby is given that the undersigned trustee, Krista L. White will on May 13, 2003, at the hour of 11:00 o'clock a.m. , in accord with the standard of time established by ORS 187.110, at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls , of Klamath County, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed together with any interest which the grantor or grantor's 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), paying all advances authorized under the trust deed, including all costs and expenses incurred in enforcing the obligation and trust deed, and by curing any other default complained of therein 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 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: January 7, 2003.

  
Krista L. White, Trustee

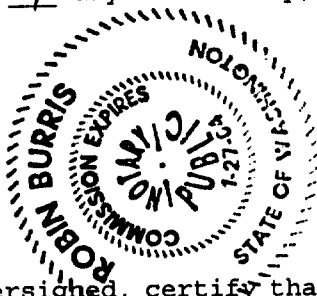
State of Washington                    )  
  ) ss.  
County of King                            )

I certify that I know or have satisfactory evidence that KRISTA L. WHITE is the person who appeared before me, and said person acknowledged that she signed the attached Trustee's Notice of Sale and acknowledged it to be her free and voluntary act and deed and for the uses and purposes mentioned in the instrument.

Dated this 7 day of January, 2003.

  
PRINTED NAME: Robin Burris

Notary Public in and for the State of  
Washington, residing at Seattle.  
My Commission Expires:



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

\_\_\_\_\_  
Robin Burris

For Information Contact:

Bishop, Lynch & White, P.S.  
720 Olive Way, #1301  
Seattle, WA 98101-1801  
(206) 622-7527  
Ref: Miranda, 349-X0676.01

A tract of land situated in the NE 1/4 SW 1/4 of Section 3, Township 36 South, Range 6 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Starting from the Northwest corner NE 1/4 SW 1/4 of Section 3, Township 36 South, Range 6 East of the Willamette Meridian; thence South  $89^{\circ} 50'$  East a distance of 596.39 feet; thence South a distance of 223.26 feet to an iron pin, the point of beginning; thence South a distance of 74.83 feet to an iron pin; thence South  $69^{\circ} 26' 53''$  East, a distance of 131.65 feet to an iron pin; thence Northerly on the Westerly side of the County road, along a curve left having a radius of 543 feet, a distance of 100 feet to an iron pin; thence North  $80^{\circ} 37' 11''$  West a distance of 151.61 feet, more or less, to the point of beginning.

## EXHIBIT A

**GRANTORS and ALL OTHER PARTIES:**

Edward A. Miranda  
26408 Rocky Point Rd.  
Klamath Falls, OR 97601

Bernadett Miranda  
26408 Rocky Point Rd.  
Klamath Falls, OR 97601

Occupants of the Premises  
26408 Rocky Point Rd.  
Klamath Falls, OR 97601

Edward A. Miranda  
26646 Rocky Point Rd.  
Klamath Falls, OR 97601

Bernadett Miranda  
26646 Rocky Point Rd.  
Klamath Falls, OR 97601

James Root  
216 Mariposa Terrace  
Medford, OR 97504

Valerie Root  
216 Mariposa Terrace  
Medford, OR 97504

James Root c/o  
Brophy, Mills et al  
201 W. Main, 5th Floor  
Medford, OR 97501

Valerie Root c/o  
Brophy, Mills et al  
201 W. Main, 5th Floor  
Medford, OR 97501

Southern Oregon Credit Service  
841 Stewart Ave.  
Medford, OR 97501

Southern Oregon Credit Service  
P.O. Box 4070  
Medford, OR 97501

Ford Motor Credit Company  
1335 S. Clearview Ave.  
Mesa, AZ 85208

29289

Ford Motor Credit Company c/o  
Chelsea Lewandowski  
1100 SW Sixth Ave., Ste 1507  
Portland, OR 97204-1016



AFFIDAVIT OF MAILING  
Trustee's Notice of Sale

STATE OF WASHINGTON       )  
                                      ) ss.  
COUNTY OF KING            )

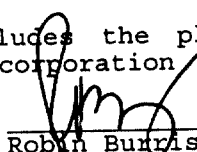
I, Robin Burris, being first duly sworn, depose, say and certify that: At all times hereinafter mentioned I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice. 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:

SEE Exhibit "A" Attached hereto and incorporated herein by this reference.

Said persons include (a) the grantor in the trust deed, (b) any 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 by ORS 86.785

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Krista L. White or Robin P. Church, trustee named in said notice; each such copy was contained in a sealed envelope, 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 notice of default and election to sell described in said notice of sale was recorded.

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

  
\_\_\_\_\_  
Robin Burris

SUBSCRIBED AND SWORN TO before me this 13 day of January, 2003.

\_\_\_\_\_  
PRINTED NAME:

NOTARY PUBLIC in and for the State of  
Washington residing at \_\_\_\_\_.  
My Appointment Expires: \_\_\_\_\_.

AFTER RECORDING RETURN TO:

BISHOP, LYNCH & White, P.S.  
720 Olive Way, Suite 1600  
Seattle, WA 98101-1801  
Attn: Robin Burris  
FORBASEOREGON\NOD.FRM REV 1/21/03

7/1A

349-X0676/Miranda

29291

# AFFIDAVIT OF NON-OCCUPANCY

**STATE OF OREGON** )  
 ) ss.  
**County of Klamath** )

**I, Rob Girard, being first duly sworn, depose and say:**


That I am, and have been at all material times hereto, a competent person over the age of eighteen years and a resident of Klamath County, State of Oregon. I am not a party to, an attorney in, or interested in any suit of action involving the property described below.

That on the 16<sup>th</sup> day of January 2003, after personal inspection, I found the following described real property to be unoccupied:

**See Attached**

**Commonly known as:** 26408 Rocky Point Rd  
Klamath Falls, OR 97601

**I declare under the penalty of perjury that the above statements are true and correct.**

  
Rob Girard 261088

SUBSCRIBED AND SWORN to before me this 24 day of January 2003, by Rob Girard.



Margaret C. Nielsen  
Notary Public for Oregon

29292

A tract of land situated in the NE 1/4 SW 1/4 of Section 3, Township 36 South, Range 6 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Starting from the Northwest corner NE 1/4 SW 1/4 of Section 3, Township 36 South, Range 6 East of the Willamette Meridian; thence South 89° 50' East a distance of 596.39 feet; thence South a distance of 223.26 feet to an iron pin, the point of beginning; thence South a distance of 74.83 feet to an iron pin; thence South 69° 26' 53" East, a distance of 131.65 feet to an iron pin; thence Northerly on the Westerly side of the County road, along a curve left having a radius of 543 feet, a distance of 100 feet to an iron pin; thence North 80° 37' 11" West a distance of 151.61 feet, more or less, to the point of beginning.

Trustee's Sale Guarantee