

03 MAY 14 PM 2:50

28199  
**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

I, the undersigned, being first duly sworn, depose and 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 the beneficiary's successor in interest named in the attached original 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 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 address, to-wit:

See attached Exhibit A for all the mailing address(es).

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.

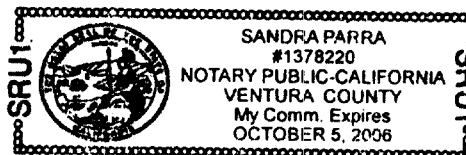
Each of the notices so mailed was certified to be a true copy of the original notice of sale by First American Title Insurance Company, the trustee named in said notice, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at VENTURA, CALIFORNIA, on 1/21/03. 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 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.

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from  
Grantor  
and ALICE J. AVERY

First American Title Insurance Company  
Trustee TS No. 02-15605  
After Recording return to:  
400 COUNTRYWIDE WAY SV-35  
First American Title Insurance Company  
SIMI VALLEY, CA 93065

[Signature]  
Subscribed and sworn to before me on 1/21, 20 03 by [Signature]  
[Signature]  
Notary Public for California  
Residing at \_\_\_\_\_  
My commission expires: \_\_\_\_\_



State of Oregon, County of Klamath  
Recorded 05/14/2003 2:50 p m.  
Vol M03 Pg 32417-23  
Linda Smith, County Clerk  
Fee \$ 51.00 # of Pgs 7

51 X

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE  
"EXHIBIT A"**

**TS No. 02-15605**

ALICE J. AVERY  
17346 MINK CT  
BEND, OR 97707  
7187 7930 3131 0192 6321

ALICE J. AVERY  
341 NORTH 1ST STREET  
KLAMATH FALLS, OR 97601  
7187 7930 3131 0192 6338

CITY OF KLAMATH FALLS  
500 KLAMATH AVENUE  
P.O. BOX 237  
KLAMATH FALLS, OR 97601  
7187 7930 3131 0192 6345

# Affidavit of Publication

32419

## 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 # 5545

Notice of Sale/Avery

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

Four

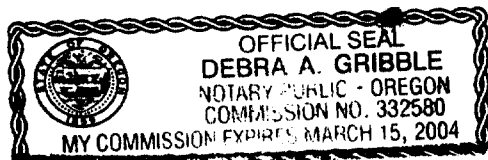
Insertion(s) in the following issues:  
February 27, March 6, 13, 20, 2003

Total Cost: \$769.50

Subscribed and sworn  
before me on: February 20, 2003

Notary Public of Oregon

My commission expires March 15, 2004



### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Alice J. Avery, An Unmarried Woman, as grantor(s), to First American Title Insurance Company, as trustee, in favor of America's Wholesale Lender, as beneficiary, dated 09/02/1998, recorded 09/09/1998, in the mortgage records of Klamath County, Oregon, in Book/ Reel/Volume No. M98 at Page No. 33282 as Recorder's fee/file/instrument/microfilm/reception Number 66025, covering the following described real property situated in said county and state, to wit:

Lot 5 in Block 5 of Ewauna Heights Addition to the City of Klamath Falls, according to the official plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 341 North 1st Street, Klamath Falls, OR 97601.

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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: monthly payments of \$341.00 beginning 08/01/2002; plus late charges of \$13.05 each month beginning with the 08/01/2002 payment plus prior accrued

late charges of \$104.45; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following to wit: \$33,603.79 with interest thereon at the rate of 8.125 percent per annum beginning 07/01/2002 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interests therein.

WHEREFORE, notice hereby is given that, FIRST AMERICAN TITLE INSURANCE COMPANY, the undersigned trustee will on Friday, May 23, 2003 at the hour of 10:00 AM in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash

the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 the trustee's and attorney's fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes any succes-

or 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 13, 2003. First American Title Insurance Company. For further information, please contact: First American Title Insurance Company, 400 Countrywide Way SV-35, Simi Valley, CA 93065. (800) 669-6650. TS No. 02-15605. Doc.

ID #00085491132005N.

This is an attempt to collect a debt and information obtained will be used for that purpose. However, if you have or are in the process of obtaining discharge of the debt from a bankruptcy court, this document is not an attempt to collect a debt, but only enforcement of lien rights against the property.

#5545 February 27, March 6, 13, 20, 2003.

32421

1000.05748/Avery

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

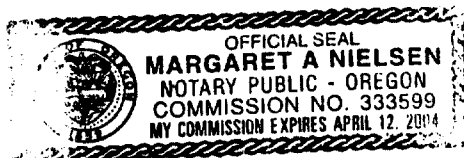
**Lot 5 in Block 5 of Ewauna Heights Addition to the City of Klamath Falls, According to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.**

**Commonly known as:** 341 North 1<sup>st</sup> Street  
Klarnath Falls, OR 97601

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

  
Rob Girard 261278

SUBSCRIBED AND SWORN to before me this 4 day of February 2003, by Rob Girard.



Margaret A. Spelver  
Notary Public for Oregon

**TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain trust deed made by Alice J. Avery, An Unmarried Woman, as grantor(s), to First American Title Insurance Company, as trustee, in favor of America's Wholesale Lender, as beneficiary, dated 09/02/1998, recorded 09/09/1998, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume No. M98 at Page No. 33282 as Recorder's fee/file/instrument/microfilm/reception Number 66025, covering the following described real property situated in said county and state, to wit:

LOT 5 IN BLOCK 5 OF EWAUNA HEIGHTS ADDITION TO THE CITY OF KLAMATH FALLS,  
ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK  
OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 341 NORTH 1ST STREET  
KLAMATH FALLS, OR 97601

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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: monthly payments of \$341.00 beginning 08/01/2002; plus late charges of \$13.05 each month beginning with the 08/01/2002 payment plus prior accrued late charges of \$104.45; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following to wit: \$33,603.79 with interest thereon at the rate of 8.125 percent per annum beginning 07/01/2002 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interests therein.

WHEREFORE, notice hereby is given that, FIRST AMERICAN TITLE INSURANCE COMPANY, the undersigned trustee will on Friday, May 23, 2003 at the hour of 10:00 AM in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the city of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 the trustee's and attorney's fees not exceeding the amounts provided by OSRS 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 1/13, 2003

  
FIRST AMERICAN TITLE INSURANCE COMPANY

For further information, please contact:

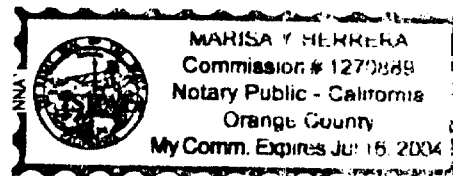
**FIRST AMERICAN TITLE INSURANCE COMPANY**  
400 COUNTRYWIDE WAY SV-35  
SIMI VALLEY, CA 93065  
(800) 669 6650  
TS No. 02 -15605  
Doc ID #00085491132005N

STATE OF CA  
COUNTY OF Orange ss.

On 1/13/03, before me, Marisa Herrera, personally appeared Paul L. L..., 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.

  
Notary Public for \_\_\_\_\_  
My commission expires: \_\_\_\_\_



**THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER IF YOU HAVE OR ARE IN THE PROCESS OF OBTAINING DISCHARGE OF THE DEBT FROM A BANKRUPTCY COURT, THIS DOCUMENT IS NOT AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF LIEN RIGHTS AGAINST THE PROPERTY.**