Page +46741 Vol MO3

Affidavit of Publication

FIDELITY NATIONAL TITLE - NDS

STATE OF OREGON. COUNTY OF KLAMATH

Legal # 5615

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

Notice of Sale/Lincoln			
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:			
Insertion(s) in the following issues:			
March 28, April 4, 11, 18, 2003			

Total Cost:			
La I will			
Subscribed and sworn			
before me on: April 18, 2003			
~			

12378

NOTICE OF SALE T.S. No.: T03-12378 DA Loan No: 0020233516

The Trustee, under the terms of the Trust Deed described herein, at the di-rection 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 Grantor(s): Kenneth W. Lincoln; Trustee: Amerititle; Successor Trustee: Fidelity National Title Insurance Co.; Beneficiary: Ameriquest Mortgage Company.

Description of perty: The Property: Northwesterly One-Half of Lot 3 in Block 4 of First Addition to the City of Klamath Falls, Oregon, according to the duly recorded the duly recorded Plat thereof on file in the Office of the County Clerk of Klamath County, Ore-gon; said premises being more particu-larly described as follows; beginning at the most Northerly corner of said Lot 3; thence Southeasterly along the line between said Lot 3 and Lot 2 of said Block 4, a distance of 55 feet; thence Southwesterly parallel to the Northwesterly line of said Lot 3, a distance of 52 feet to the South-westerly line of said Lot 3; thence North-westerly along the line between said Lot 3 and 4 of said Block 4, a distance of 55 feet to the most Northerly corner of said Lot 4; thence Northeasterly along

PARCEL 2 Northwesterly One-Northwesterly One-Half of Lots 1 and 2, Block 4, of First Ad-dition to Klamath Fals, Oregon, ac-carring to the Offi-till Plat thereof on the County Clerk of Klamath County, Oregon, more par-Oregon, more par-Ncularly described as follows; Beginning at the most Northerly of Lot 1, Block 4 said first addition and running thence Northeasterly along the Westerof 55 line Eight Street feet; thence Southwesterly and at right angles to Eight Street; 104 feet more or less to the Westerly line of lot numbered 2, block numbered 4 said first addition; thence Northwesterly along the Westerly line of said lot numbered 2, 55 feet more or less to the most Westerly cor-ner of said lot numpered 2; thence Northeasterly along the Southerly line of Cook Street to the place of beginning. Property commonly known as: 8th Street North Klamath Falls, OR 97601

The

C. Trust Deed Information: **Dated** 04/18/2001. Date: Recording Date: 04/25/2001. Recording Number: Instr. Book: MOT Rere-Page: 18465 corded on: -- 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 corded on: Reelects to foreclose the Trust Deed for failure to pay: 1. Monthly Payments: Monthly install523422

ments late charges. Total Payments and Late Charges \$6,923.50. 2. Other Arrearages: \$1,300.75, Total Amount Due: \$8,224.25, 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: being: Principal Balance: \$88,418,70.

In addition to said principal, interest at the rate of variable as provided in the Note or other instrument secured, shall be payable from 04/01/2002 at 7.990%, from as well as all Trustee's fees and costs, Atforneys 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 fore-close said Trust Deed by advertise-ment 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 deinterest in the scribed property which the Debtor(s) had, or had the power to convey, at the time of the execu-Deed together with anv interest the Grantor or successors in interest acquired after the execution of the Trust Deed, to satisfy the the Northwesterly ments and late obligations secured to said to 3, a charges from distance of 52 feet to 05/01/2002 and all together with the extension of begin subsequent install penses of the sale,

OFFICIAL SEAL DEBRA A. GRIBBLE NOTARY PUBLIC - OREGON COMMISSION NO. 332580 MY COMMISSION EXPIRES MARCH 15, 2004

My commission expires March 15, 2004

Page 1

State of Oregon, County of Klamath Recorded 07/07/2003 3:26 p
Vol M03 Pg 46741-52
Linda Smith, County Clerk
Fee \$ 769 # of Pgs /2

including the com-pensations 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. Wednesday, 07/09/2003; Place: On the front steps of On the tront steps of the Circuit Court, 316 Main St., in the City of Klamath Falls, County of Kla-math, OR. H. Right to Reinstate: Notice if 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 princi-pal as would not then be due had no default occurred) and by curing any other default com-plained of herein that is capable of being cured by ten-dering 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: February 18, 2003. Fidelity National Title Insurance Company, as said Trustee. By: Dana Rosas, It's: Authorized Signator. Address for Trustee: Fidelity National Title Insurance Company, 15661 Redhill Avenue, Suite 201, Tustin, CA: \$2780 c/o Town & Country Title Services, Inc. For said Information call (888) 485-9191. ASAP523422 3/28, 4/4, 4/11, 4/18. #5615 March 28, April 4, 11, 18, 2003.

140

TRUSTEE'S NOTICE OF SALE

AMERIQUEST MORTGAGE COMPANY vs KENNETH W. LINCOLN	ORIGINAL AFFIDAVIT/PROOF OF SERVICE Client # T0312378 ORIGINAL
STATE OF OREGON) COUNTY OF MULTNOMAH) SS.	
NOTICE OF SALE was served to all occupant(s). THE OCCUPANTS WERE SERVED IN THE I served Occupant(s), William Brown by PERSON I served Occupant(s), Ruth Brown & Deborah Bro occupant, a person over the age of 14 and who is a I served All Occupants over 18 years old by SUBS person over the age of 14 and who is an occupant ALL SEARCH AND SERVICE WAS MADE N	WITHIN THE COUNTY OF KLAMATH dent of said State, not a party to nor an officer, director or er or otherwise and knew that the person, firm, or
n or 1 lan mail a properly addressed	service, as required by law, by depositing with the United States postage prepaid envelope containing a copy of the TRUSTEE'S rown and all other occupants 18 years or older at 1134 North 8th 2003. Signed: Subscribed to and sworn to before me this 4th day of March, 2003 by J. Mallmey

OFFICIAL SEAL
V. T. WONG

NOTARY PUBLIC-OREGON
COMMISSION NO. 323304
MY COMMISSION EMPIRES JUNE 8, 2003

(Hin mid

Notary for the State of Oregon

PROOF OF SERVICE JEFFERSON STATE ADJUSTERS

STATE OF: OREGON COUNTY OF: KLAMATH

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: **TRUSTEE'S NOTICE OF SALE**

copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: TRUSTEE'S NOTICE OF SALE
FOR THE WITHIN NAMED: Occupants of 1134 North 8th Street Klamath Falls, Oregon
(X) PERSONNALLY SERVED : Original or True Copy to within named, personally and in person to <u>William Brown</u> at the address below.
(X) SUBSTITUE SERVICE: By delivering an Original or True Copy to William Brown, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: Ruth Brown and Deborah Brown
OTHER METHOD : By leaving an Original or True Copy with
NON OCCUPANCY: I certify that I received the within document(s) for service on and after personal inspection, I found the above described real property to be unoccupied.
(X) SUBSTITUTE SERVICE MAILER: That on the 24 th day of February, 2003 I mailed a copy of the Trustee's Notice of Sale addresses to Occupant(s) at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made. Signed Genny Johnson
ADDRESS OF SERVICE If further certify that I am a competent person 18 years of age or older and a resident of the state of service of 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.
February 20th, 2003 DATE OF SERVICE or non occupancy 4:05 P.M. TIME OF SERVICE By:
Dated this Jy day of Jebuary, 2003. Subscribed and sworn to before me by Rob Surard
OFFICIAL SEAL MARGARET A NIELSEN NOTARY PUBLIC - OREGON COMMISSION NO 333599 WY COMMISSION EXPIRES APRIL 12, 2014 MY COMMISSION EXPIRES APRIL 12, 2014

AFFIDAVIT OF NON-MILITARY SERVICE

AMERIOUEST MORTGAGE COMPANY ATTN: FORECLOSURE DEPARTMENT 505 CITY PARKWAY WEST, SUITE 100 ORANGE, CA 92868

Date: Loan #: T.S. #:

February 18, 2003

0020233516

T03-12378 DA

State of CALIFORNIA County of ORANGE

being of legal age and duly sworn, deposes and says

that:

I am an employee of AMERIQUEST MORTGAGE COMPANY the present beneficiary of a certain Deed of Trust recorded 04/25/2001 as Instrument No. in Book M01 Page 18465 of official records in the office of the County Recorder of KLAMATH County, Oregon

)SS

To the best of the affiant's knowledge, the following name(s) is (are) known to be the present 2. record owner(s) of the property described in the above Deed of Trust.

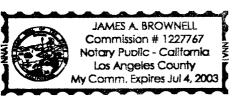
Current Trustor(s): KENNETH W. LINCOLN

- 3. Said record owner(s), and each of the, if there be more than one, is NOT a "person in military service" or a "person in the military service of the United States," as defined in Section 101, and subdivisions thereof, of the Soldiers' and Sailors' Relief Act of 1940, as amended.
- This affidavit is made at the request of the Beneficiary herein named for the purpose of inducing FIDELITY NATIONAL TITLE INSURANCE CO., as Trustee, to cause said property to be sold under the terms of said Deed of Trust without leave of court first obtained.

Affiant:

Subscribed and sworn before me this day of day of

Notaty Public in and for said County and State



46746

DECLARATION OF DEFAULT AND DEMAND FOR SALE

LOAN. 0020233516 OTHER: 3410045 FILE: T03-12378

NOTICE IS HEREBY GIVEN: That as duly appointed or substituted Trustee you are notified of a breach of and default in the obligations secured by that certain Deed of Trust dated: 04/18/2001

EXECUTED BY (Original Trustor) KENNETH W. LINCOLN

Address: 1134 NORTH 8TH STREET KLAMATH FALLS, OR 97601

Recorded on 04/25/2001, as Instrument No. Book M01 Page 18465 of Official Records in the office of the Recorder of KLAMATH County, Oregon.

Original Beneficiary: AMERIQUEST MORTGAGE COMPANY

BREACH AND DEFAULT HAS OCCURRED FOR NON-PAYMENT OF THE FOLLOWING: Failure to make the 05/01/2002 payment of principal and/or interest and all subsequent payments, together with all accrued late charges, impounds, advances, taxes, delinquent payments on senior liens, or assessments, attorney's fees, and collection fees.

By reason of this default the undersigned, who holds the beneficial interest, makes this declaration of default and elects to cause the trust property to be sold to satisfy the obligations secured by this Deed of Trust.

Now owing the unpaid sum of \$8,224.25 with interest from 04/01/2002 on the unpaid principal balance of \$88,418.70 and all sums advanced or expended as per the terms of this Deed of Trust, together with interest as provided.

I/We hand you herewith the said Deed of Trust and Note together with any assignments No; substitutions Yes; and also receipts \$0.00 for all sums advanced or expended and will further deliver to you all receipts for any additional sums advanced or expended.

The undersigned hereby promises and agrees to pay your trustee's fee in the amount permitted by law, together with all costs and expenses incidental to these proceedings. It is agreed and understood that you may not proceed with the sale and/or deliver your trustee's deed until all fees and costs have been paid. I/We also agree to pay on demand, as well as, indemnify and hold you harmless from and against all costs, damages, attorney's fees, expenses, obligations and liabilities of any kind which you may incur or sustain by reason of this default and foreclosure proceeding and/or the sale of the trust property by reason of any act of omission or commission on the part of others and the undersigned, for whom you are acting as agent.

Previous Foreclosure? No Owner Occupied? Yes Unruh Act? No Modifications? No

Property Address: 1134 NORTH 8TH STREET KLAMATH FALLS, OR 97601

Present Owner: KENNETH W. LINCOLN

DECLARATION OF DEFAULT AND DEMAND . JR SALE

LOAN: 0020233516

OTHER: 3410045

FILE: T03-12378

Present Beneficiary:		GAGE COMPANY ATTN: FORECLOSURE PARKWAY WEST, SUITE 100 ORANGE, CA 9286
Deposit received:	\$0.00	
Date: 02/18/2003		Signed as on record: ANN POWERS FORECLOSURE SPECIALIST
Documents received	by:	

STATE OF CALIFORNIA COUNTY OF ORANGE

) In the matter of Notice of Sale
) S.S. File # T03-12378

DANA ROSAS of TOWN & COUNTRY TITLE SERVICES, INC., 505 CITY PARKWAY WEST SUITE 200 of ORANGE, CA 92868-2912 being duly sworn, deposes and says; That she/he is over the age of eighteen years; That on 02/26/2003, by certified mail/regular mail enclosed in a sealed envelope with prepaid postage thereon, she/he deposited in the United States Post Office at ORANGE, CA notices, a true and correct copy of which is hereunto attached and made a part hereof, addressed to the following:

Certified mail & first class mail

KENNETH W. LINCOLN 1134 NORTH 8TH STREET KLAMATH FALLS, OR 97601

Certified mail & first class mail

KENNETH W. LINCOLN 2650 WASHBURN WAY UNIT 110 KLAMATH FALLS, OR 97603-4593

Certified mail & first class mail

OCCUPANTS 1134 NORTH 8TH STREET KLAMATH FALLS, OR 97601

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.

Affiant

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

Y		
State of California		
County of ORANGE	}ss.	
0 10/21/52	·	
On		r GABY OSPINO
personally appeared,D	DANA ROSAS Name(s) of signer(s)	
	· ····································	
	Personally known to me Proved to me on the bas evidence	is of satisfactory
GABY OSPINO Commission # 1367298 Notary Public - California Orange County My Comm Expires Jul 29, 2006	to be the person(s) whose subscribed to me that he the same in his/her/to capacity(ies), and that signature(s) on the instruction or the entity upon behalf person(s) acted, executed water that the same and entity the same and entity upon behalf person(s) acted, executed water than the same and entity upon behalf person(s) acted, executed water than the same and entity upon behalf	/she/they executed their authorized by his/her/their ument the person(s) of which the d the instrument.
Place Notary Seal Above	WITNESS my hand and or	fficial seal.
Though the information below is not required and could prevent fraudulent rem	by law, it may prove valuable to persons recoval and reattachment of this form to another	elying on the document ner document.
Description of Attached Document Title or Type of		
Document Date:	Number of Pages:	
Signer(s) Other Than Named Above:	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Capacity(ies) Claimed by Signer		
Signer's Name:		RIGHT THUMBPRING OF SIGNER Top of thumb here
Partner — Limited General	Attorney in Fact	
☐ Trustee	•	
Guardian or Conservator		
Other:		
Signer is Representing:		

Record and Return to: TOWN & COUNTRY TITLE SERVICES, INC. 505 CITY PARKWAY WEST SUITE 200 ORANGE, CA 92868-2912

TRUSTEE'S NOTICE OF SALE

T.S. No:

T03-12378 DA

Loan No. 0020233516

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:

PARTIES IN THE DEED OF TRUST: Α.

GRANTOR(S):

KENNETH W. LINCOLN

TRUSTEE:

AMERITITLE

SUCCESSOR TRUSTEE. FIDELITY NATIONAL TITLE INSURANCE CO.

BENEFICIARY:

AMERIQUEST MORTGAGE COMPANY

В DESCRIPTION OF PROPERTY:

THE NORTHWESTERLY ONE-HALF OF LOT 3 IN BLOCK 4 OF FIRST ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, ACCORDING TO THE DULY RECORDED PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON; SAID PREMISES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 3; THENCE SOUTHEASTERLY ALONG THE LINE BETWEEN SAID LOT 3 AND LOT 2 OF SAID BLOCK 4, A DISTANCE OF 55 FEET; THENCE SOUTHWESTERLY PARALLEL TO THE NORTHWESTERLY LINE OF SAID LOT 3, A DISTANCE OF 52 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 3; THENCE NORTHWESTERLY ALONG THE LINE BETWEEN SAID LOT 3 AND 4 OF SAID BLOCK 4, A DISTANCE OF 55 FEET TO THE MOST NOTHERLY CORNER OF SAID LOT 4. THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 3, A DISTANCE OF 52 FEET TO THE POINT OF BEGINNING.

PARCEL 2

THE NORTHWESTERLY ONE-HALF OF LOTS 1 AND 2, BLOCK 4, OF FIRST ADDITION TO KLAMATH FALLS, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS,

BEGINNING AT THE MOST NORTHERLY OF LOT 1, BLOCK 4 SAID FIRST ADDITION AND RUNNING THENCE NORTHEASTERLY ALONG THE WESTERLY LINE OF EIGHT STREET 55 FEET; THENCE SOUTHWESTERLY AND AT RIGHT ANGLES TO EIGHT STREET; 104 FEET MORE OR LESS TO THE WESTERLY LINE OF LOT NUMBERED 2, BLOCK NUMBERED 4 SAID FIRST ADDITION; THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF SAID LOT NUMBERED 2, 55 FEET MORE OR LESS TO THE MOST WESTERLY CORNER OF SAID LOT NUMBERED 2. THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINE OF COOK STREET TO THE PLACE OF BEGINNING

Property commonly known as:

1134 NORTH 8TH STREET KLAMATH FALLS, OR 97601

C TRUST DEED INFORMATION:

IMPORTANT: READ SECOND & THIRD PAGE OF THIS DOCUMENT

T.S. No: T03-12378 DA Loan No: 0020233516

DATED DATE:

04/18/2001

RECORDING DATE:

04/25/2001

RECORDING NUMBER:

Instr. #: Book: M01 Page: 18465

RERECORDED ON:

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 Tiust Deed for failure to pay

1 Monthly Payments:

Monthly installments and late charges from 05/01/2002 and all subsequent installments and late charges.

TOTAL PAYMENTS AND LATE CHARGES

\$6,923.50

2 Other Arrearages:

\$1,300.75

TOTAL AMOUNT DUE:

\$8,224.25

Plus all accrued real property taxes, interest or penalties until paid.

3. Default(s) other than payment of money:

E. <u>AMOUNT DUE:</u> The beneficiary has declared all sums owing on the obligation and Trust Deed immediately due and payable, said sums being:

Principal Balance: \$88,418.70

In addition to said principal, interest at the rate of variable as provided in the Note or other instrument secured, shall be payable from 04/01/2002 at 7.990%, as well as all Trustee's fees and costs, Attorneys fees and costs, and all foreclosure costs.

- F. <u>ELECTION TO SELL:</u> **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. Wednesday, 07/09/2003

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

IMPORTANT: READ SECOND & THIRD PAGE OF THIS DOCUMENT

T S. No: T03-12378 DA

Loan No: 0020233516

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.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in I. 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,

DATED: February 18, 2003

FIDELITY NATIONAL TITLE INSURANCE COMPANY, as said Trustee Address for Trustee: Fidelity National Title Insurance Company 15661 RED HILL AVENUE, SUITE 201 TUSTIN, CA. 92780 C/O TOWN & COUNTRY TITLE SERVICES, INC

For sale information call (888) 485-9191.

By:

AUTHÓRIZED SIGNATOR It's:

STATE OF CALIFORNIA COUNTY OF ORANGE

This instrument was acknowledged before me on

Fidelity National Title Insurance Company. by DANA ROSAS as AUTHORIZED SIGNATOR

PUBLIC FOR CALIFORNIA MY COMMISSION EXPIRES:

GABY OSPINO Commission # 1367298 Notary Public -Orange County My Comm Expires Jul 29,