

Aspen 54457

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FIDELITY NATIONAL TITLE - NDS

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LAW OFFICES OF STEVEN J. MELMET, INC.  
2912 S. Daimler Street  
Santa Ana, CA 92705-5811

State of Oregon, County of Klamath  
Recorded 07/18/2003 3:07 p. m.  
Vol M03 Pg 50674-78  
Linda Smith, County Clerk  
Fee \$ 4.00 # of Pgs 5

2410046

THE SPACE ABOVE LINE IS FOR RECORDER'S USE ONLY

T.S. NO.: 2002-28667-D  
LOAN NO.: 1001132115

AFFIDAVITS OF MAILING TRUSTEE'S AMENDED NOTICE OF SALE

41A

T.S. NO.: 2002-28667-D  
LOAN NO.: 1001132115

**AFFIDAVIT OF MAILING AMENDED NOTICE OF SALE**

STATE OF CALIFORNIA  
COUNTY OF ORANGE

I, **TERI VON ACHEN**, 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 CALIFORNIA, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original or copy of 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 registered or certified mail and regular mail to each of the following named person's at their last known address, attached hereto.

Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of records or whose interest the trustee or the beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.785, and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed were certified to be a true copy of the original notice of sale by A. Fragassi, for **FIDELITY NATIONAL 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 Santa Ana, CA on 7/15/2003. 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.



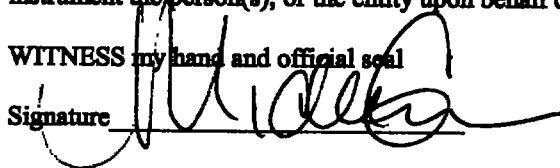
TERI VON ACHEN

STATE OF CALIFORNIA  
COUNTY OF ORANGE

On July 16, 2003 before me, the undersigned, A Notary Public in and for said State, personally appeared **TERI VON ACHEN** 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

Signature



**NOTICES WERE SENT TO THE FOLLOWING PARTIES:**

<u>NAME</u>	<u>ADDRESS</u>
JUST M. COLE	1270 HOMEDALE ROAD KLAMATH FALLS, OR 97603
ARLIE K. COLE	1270 HOMEDALE ROAD KLAMATH FALLS, OR 97603
JUST M. COLE	PO BOX 763 KLAMATH FALLS, OR 97601
ARLIE K. COLE	PO BOX 763 KLAMATH FALLS, OR 97601
CIRCUIT COURT FOR KLAMATH COUNTY	316 MAIN STREET KLAMATH FALLS, OR 97601

**TRUSTEE'S AMENDED NOTICE OF SALE****50677**

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.  
Trustee No.: 2002-28667-D

Notice is hereby given that the original sale proceedings were stayed. The stay was terminated on 6/24/2003

Reference is made to that certain Trust Deed made by JUST M. COLE AND ARLIE K. COLE, AS TENANTS BY THE ENTIRETY, as Grantor, to ASPEN TITLE, as Trustee, in favor of INDYMAC BANK, F.S.B., as Beneficiary, dated 11/22/2000, recorded 11/28/2000, in the mortgage records of KLAMATH, Oregon, as Instrument No. , in Book VOL MOO, Page 42614. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by BANKERS TRUST COMPANY OF CALIFORNIA AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT SERIES SPMD 2001-A. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

**PARCEL 1 OF LAND PARTITION 45-97 BEING A PORTION OF LOT 59 OF FAIR ACRES SUBDIVISION NO. 1, SITUATED IN THE NW 1/4 SE 1/4 OF SECTION 35, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF KLAMATH, STATE OF OREGON.**

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

**1270 HOMEDALE ROAD  
KLAMATH FALLS, OR 97603**

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:

<u>FROM</u>	<u>INT. RATE</u>	<u>NO. PMT</u>	<u>AMOUNT</u>	<u>IMPOUND</u>	<u>TOTAL</u>
12/1/2001	11.75	21	\$757.06	\$60.26	\$17,163.72

Late Charges: \$757.00

**Advances & Adjustments Schedule:**

<u>DESCRIPTION</u>	<u>INTEREST RATE</u>	<u>AMOUNT</u>
ADDL LATE FEES	0	\$37.85

Total Interest on Advances & Adjustments: \$0.00

**Grand Total:** **\$17,958.57**

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:

The unpaid principal balance of \$74,736.26 together with interest thereon at the current rate of 11.75% per annum from 11/1/2001 until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

50678

WHEREFORE, notice hereby is given that the undersigned trustee will, on 8/8/2003, at the hour of 10:00 AM in accord with the standard of time established by O.R.S. 187.110 at the following place;

**AT THE MAIN ENTRANCE TO THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET, KLAMATH FALLS, OREGON**

County of KLAMATH, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described real property which the Grantor has or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the Grantor 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 reasonable charge by the trustee.

Notice is further given that any person named in O.R.S. 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 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.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes 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: July 11, 2003

**FIDELITY NATIONAL TITLE INSURANCE  
COMPANY**

A. Fragassi

For further information, please contact:

**FIDELITY NATIONAL TITLE INSURANCE COMPANY  
401 S.W. 4th AVENUE  
PORTLAND, OR 97204  
C/O LAW OFFICES OF STEVEN J. MELMET, INC.  
(949) 263-1000**

STATE OF CA  
COUNTY OF Orange ss.

I certify that I, A. Fragassi, am an authorized representative of FIDELITY NATIONAL TITLE INSURANCE COMPANY, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

A. Fragassi  
Authorized Representative of Trustee

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**