

03 SEP 17 PM 3:28

Vol M03 Page 69415

WHEN REDORDED MAIL TO:  
LITTON LOAN SERVICING LP  
4828 Loop Central Drive  
Houston, TX 77081-2226

(Recorder's Use)

State of Oregon, County of Klamath  
Recorded 09/17/03 3:28 P m  
Vol M03 Pg 69415-23  
Linda Smith, County Clerk  
Fee \$ 61.00 # of Pgs 9

T.S. NO.: F-31605-OR-JB  
LOAN NO.: 8408395

1st 184389

1770167

**AFFIDAVIT OF MAILING NOTICE OF SALE**

STATE OF California} SS  
COUNTY OF San Diego}

I, Jason Julien, 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, to-wit:

**NAME & ADDRESS**

**CERTIFIED NO.**

**SEE ATTACHED**

Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or of 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 was certified to be a true copy of the original notice of sale by Luis Cerda, for 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 mail San Diego California, on 6/5/2003. 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.

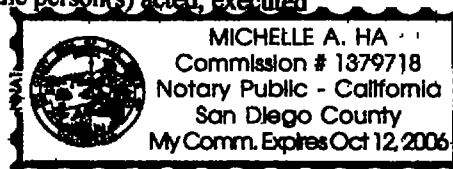
STATE OF California} SS  
COUNTY OF San Diego}

On June 5, 2003 before me, the undersigned, A Notary Public in and for said State, personally appeared Jason Julien (notary seal) 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 Michelle Ha

Michelle Ha



61 K

69416

**AFFIDAVIT OF MAILING**

Date: June 05, 2003  
T.S. No.: F-31605-OR-JB  
Loan No.: 8408395

STATE OF California }  
COUNTY OF San Diego }

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in San Diego County at QUALITY LOAN SERVICE CORPORATION, and is not a party to the within action and that on June 05, 2003, (s)he personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

I declare under penalty of perjury that the foregoing is true and correct.

X   
Affiant Jason Julien

CHRISTINE R. BAXENDALE  
19336 ANDERSON ROAD  
MERRILL, OR 97633

Z71006309264016824151

CHRISTINE R. BAXENDALE  
19336 ANDERSON ROAD  
MERRILL, OR 97633

First Class

CHRISTINE R. BAXENDALE  
P.O. BOX 825  
MERRILL OR 97633  
Z71006309264016824168

CHRISTINE R. BAXENDALE  
P.O. BOX 825  
MERRILL OR 97633  
First Class

CHRISTINE R. BAXENDALE  
1174 WEST 9TH STREET  
UPLAND, CA 91786  
Z71006309264016824175

CHRISTINE R. BAXENDALE  
1174 WEST 9TH STREET  
UPLAND, CA 91786  
First Class

69417

**AFFIDAVIT OF MAILING**

Date: **June 05, 2003**

T.S. No.: **F-31605-OR-JB**

Loan No.: **8408395**

STATE OF California }  
COUNTY OF San Diego }

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in San Diego County at QUALITY LOAN SERVICE CORPORATION, and is not a party to the within action and that on June 05, 2003, (s)he personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

I declare under penalty of perjury that the foregoing is true and correct.

X   
Affiant Jason Julien

OCCUPANT / PARTIES IN POSSESSION  
19336 ANDERSON ROAD  
MERRILL OR 97633  
Z71006309264016824182

OCCUPANT / PARTIES IN POSSESSION  
19336 ANDERSON ROAD  
MERRILL OR 97633  
First Class

# TRUSTEE'S NOTICE OF SALE

69418

Loan No: 8408395

T.S. No.: F-31605-OR-JB

Reference is made to that certain deed made by, CHRISTINE R. BAXENDALE as Grantor to LUCY E. KIVEL, ESQ., in favor of TMS MORTGAGE INC., D.B.A THE MONEY STORE, s Beneficiary,

dated 9/29/1999, recorded 10/4/1999, in official records of Klamath county, Oregon in book No. M99 at page No. 39371, instrument No. 39371, covering the following described real property situated in said County and State, to-wit:

A PIECE OR PARCEL OF LAND SITUATE IN THE NE 1/4 NW 1/4 OF SECTION 5, TOWNSHIP 41 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF KLAMATH, STATE OF OREGON, AND MORE COMPLETELY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Tax Assessor's #: R252997

More commonly known as:	19336 ANDERSON ROAD MERRIL, OR 97633
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Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's:

FAILURE TO MAKE THE 3/1/2003 PAYMENT OF PRINCIPAL AND INTEREST AND ALL SUBSEQUENT PAYMENTS, TOGETHER WITH LATE CHARGES, IMPOUNDS, TAXES ADVANCES AND ASSESSMENTS.

Monthly Payment \$355.45

Monthly Late Charge \$13.84

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: \$30,769.13 with interest thereon at the rate of 10.05 percent per annum beginning 2/1/2003; plus late charges of \$13.84 each month beginning 3/1/2003 until paid; plus advances of \$-\$6.05; together with title expense, costs, trustee's fees and attorneys 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.

Whereof, notice hereby is given that, FIRST AMERICAN TITLE INSURANCE COMPANY the undersigned trustee will on 10/6/2003 at the hour of 10:00 AM, Standard of Time, as established by section 187,110, Oregon Revised Statutes, at

ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH, OR

County of Klamath, 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 him of the said trust deed, together with any interest which the grantor or 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 a reasonable charge by the trustee. Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

For Sale Information (916) 387-7728

69419

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 persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: 5/23/03

BY: FIRST AMERICAN TITLE INSURANCE  
COMPANY, TRUSTEE

Signature By   
FIRST AMERICAN TITLE INSURANCE COMPANY

For Non-Sale Information:  
Quality Loan Service Corp,  
319 Elm Street, 2nd floor  
(619) 645-7711  
(619) 645-7716

**TRUSTEE'S NOTICE OF SALE**

Loan No: 8408395  
T.S. No.: F-31605-OR-JB

69420

**EXHIBIT "B"**

A piece or parcel of land situate in the NE 1/4 NW 1/4 of Section 5, Township 41 South, Range 11 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at a point on the Southerly right of way line of Anderson Road from which point a railroad spike marking the Northwest corner of Section 5, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, bears North 30.0 feet and South 89 degrees 53' 10" West 2256.16 feet distant; thence North 89 degrees 53' 10" East 390.34 feet, more or less, along said Southerly right of way line to a point on the North-South center line of said Section 5; thence South 112.16 feet along said North-South center line to a point; thence South 76 degrees 42' 30" West 136.70 feet to a point; thence North 81 degrees 00' 30" West 125.00 feet to a point; thence North 60 degrees 23' 00" West 108.27 feet to a point; thence North 29 degrees 39' 20" West 80.28 feet, more or less, to the point of beginning.

CODR 18 MAP 4111-500 TL 400

# Affidavit of Publication

69421

540.37

## 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 # 5888

Notice of Sale/Baxendale

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:  
June 11, 18, 25, July 2, 2003

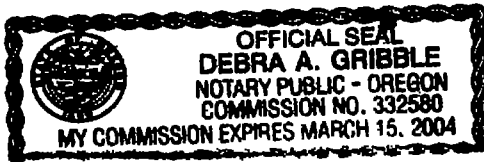
Total Cost: \$823.50

Subscribed and sworn

before me on: July 2, 2003

Notary Public of Oregon

My commission expires March 15, 2004



### TRUSTEE'S NOTICE OF SALE T.S. No.: F-31605- OR-JB Loan No: 840395

Reference is made to that certain deed made by, Christine R. Baxendale as Grantor to Lucy E. Kivel, Esq., in favor of TMS Mortgage Inc., d.b.a. The Money Store, as Beneficiary, dated 9/29/1999, recorded 10/4/1999, in official records of Klamath County, Oregon in book No. M99 at page No. 39371, instrument No. 39371, covering the following described real property situated in said County and State, to-wit:

#### EXHIBIT "A"

A piece or parcel of land situate in the NE 1/4 NW 1/4 of Section 5, Township 41 South, Range 11 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows: Beginning at a point on the Southerly right of way line of Anderson Road from which point a railroad spike marking the Northwest corner of Section 5, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, bears North 30.0 feet and South 89 degrees 53' 10" West 2256.16 feet distant; thence North 89 degrees 53' 10" East 390.34 feet, more or less, along said Southerly right of way line to a point on the North-South center line of said Section 5; thence South 112.16 feet along said North-South center line to a point; thence South 76 de-

grees 42' 30" West 134.70 feet to a point; thence North 81 degrees 00' 30" West 125.00 feet to a point; thence North 60 degrees 23' 00" West 108.27 feet to a point; thence North 29 degrees 39' 20" West 80.28 feet, more or less, to the point of beginning. Code 18 Map 4711-500 TL 400 Tax Assessor's #: R252997. More commonly known as: 19336 Anderson Road, Merrill, OR 97633.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's: Failure to make the 3/1/2003 payment of principal and interest and all subsequent payments, together with late charges, impounds, taxes advances and assessments. Monthly Payment \$355.45 Monthly Late Charge \$13.84.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said deed of trust immediately due and payable, said sums being the following, to-wit: \$30,769.13 with interest thereon at the rate of 10.05 percent per annum beginning 2/1/2003; plus late charges of \$13.84 each month beginning 3/1/2003 until paid; plus advances of \$6.05; 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.

Whereof, notice hereby is given that, First American Title Insurance Company the undersigned trustee will on 10/6/2003 at the hour of 10:00 AM, Standard of Time, as established by section 187,110, Oregon Revised Statutes, at on the front steps of the Circuit Court, 316 Main Street, in the City of Klamath Falls, County of Klamath, OR, County of Klamath, 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 him of the said trust deed, together with any interest which the grantor or 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 a reasonable charge by the trustee.

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's

and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale. For Sale Information (916) 387-7728.

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 persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include the respective successors in interest, if any.

By: First American  
Title Insurance  
Company, Trustee  
Signature By Luis  
Cerde, First American  
Title Insurance  
Company. For Non-  
Sale Information:  
Quality Loan Service  
Corp., 319 Elm  
Street, 2nd Floor,  
San Diego, CA 92101.  
(619) 645-7711. (619)  
645-7716. Dated:  
5/23/03 ASAP540637  
6/11, 6/18, 6/25, 7/2.  
#5888 June 11, 18, 25,  
July 2, 2003.



PROOF OF SERVICE  
JEFFERSON STATE ADJUSTERS

69423  
F316050RJB  
DUDAN  
(Baxendale)  
(Kivel)

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

FOR THE WITHIN NAMED: OCCUPATNS OF 19336 ANDERSON ROAD MERRILL, OREGON 97633

☒ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to Mike Frazier at the address below.

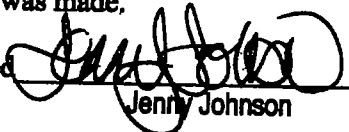
☒ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to Mike Frazier, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: Christine Baxendale and all other occupants

☐ **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.

☒ **SUBSTITUTE SERVICE MAILER:** That on the 3<sup>rd</sup> day of June, 2003 I mailed a copy of the Trustee's Notice of Sale addresses to Christine Baxendale and all other 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

  
Jenny Johnson

19336 Anderson Road Merrill, Oregon 97633

**ADDRESS OF SERVICE**

I 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.

June 2, 2003

**DATE OF SERVICE**

3:06 p.m.

**TIME OF SERVICE**

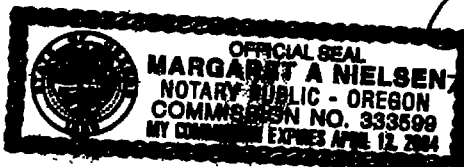
☐ or non occupancy

By:

  
Ed Foreman

Dated this 3<sup>rd</sup> day of June, 2003.

Subscribed and sworn to before me by 



  
Notary Public for Oregon