

03 NOV 6 AM 10:44

Vol M03 Page 82645

**FIDELITY NATIONAL TITLE - NDS**

According to return to:  
BISHOP, LYNCH & WHITE, P.S.  
720 Olive Way, #1301  
Seattle, WA 98101-1801

Attn:

Kane, 544-X2635.01 3410237

Recorded herewith are the following:

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

State of Oregon, County of Klamath  
Recorded 11/06/03 11:44 a m  
Vol M03 Pg 82645-54  
Linda Smith, County Clerk  
Fee \$ 66.00 # of Pgs 10

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

ARE 57725

**TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain trust deed made by Robert F. Kane, a married person, as grantor, to , as trustee, in favor of Mortgage Electronic Registration Systems, Inc. (MERS) as nominee for American Home Mortgage and Investments, Inc., as beneficiary, dated February 7, 2003, recorded February 12, 2003, in the mortgage records of Klamath County, Oregon, in VOL M03 PAGE 08757, 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: 19419 US HWY 97 S., Klamath Falls, OR 97603

Both the beneficiary and the trustee, Krista L. White or David Powell, 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 April 1, 2003 through September 1, 2003

6	Payment(s) at	\$2,338.00	\$14,028.00
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**Late Charges:**

5	Late Charge(s) at	100.66	
	for each monthly payment not		
	made within 15 days of its due		503.30
	date:		

<b>TOTAL MONTHLY PAYMENTS AND LATE CHARGES</b>	<b>\$14,531.30</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:

Trustee's Notice of Sale - Page 1

66A

Unpaid balance is \$334,042.59 as of September 23, 2003. 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 may accrue after the date of this notice.

WHEREFORE, notice heraby is given that the undersigned trustee, Krista L. White or David Powell will on January 28, 2004, at the hour of 11:00 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.

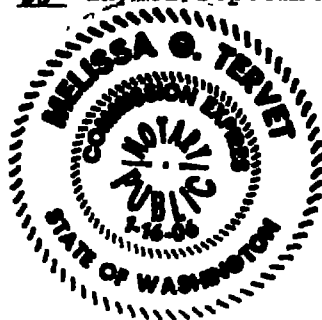
DATED: September 23, 2003.

  
David Powell, Trustee

State of Washington                    )  
  ) ss.  
County of King                         )

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

Dated this 23 day of September, 2003.



  
PRINTED NAME:

Melissa G. Tervet

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.

For Information Contact:

Bishop, Lynch & White, P.S.  
720 Olive Way, #1301  
Seattle, WA 98101-1801  
(206) 622-7527  
Ref: Kane, 544-X2635.01

**A piece or parcel of land situate in portions of Government Lots 1 and 2 in Section 34, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:**

**Beginning at a point on the Southeasterly right of way line of U.S. Highway 97 as the same is presently located and constructed, from which point the meander corner of the 1858 Meander Line common to Sections 27 and 34, Township 40 South, Range 8 East of the Willamette Meridian bears North 15° 58' 10" West 174.6 feet distant; thence South 15° 58' 10" East along the adjusted 1858 Meander Line, as established during Record Survey No. 1938, 19.1 feet to Angle Point No. 1; thence South 31° 07' 05" West along said Meander Line 808.45 feet to Angle Point No. 2; thence South 23° 06' 50" East along said meander line 769.6 feet to Angle Point No. 3; thence South 5° 38' 20" West along said meander line 300.0 feet to a point; thence North 57° 38' West 931.63 feet to a point on the Southerly right of way line of U.S. Highway 97 as the same is presently located and constructed; thence North 32° 22' 00" East along said Southeasterly right of way line 1,641.36 feet to the point of beginning.**

**Said Parcel is also referred to as Parcel 1 of Land Partition 14-86.**

AFFIDAVIT OF MAILING  
Trustee's Notice of Sale

STATE OF WASHINGTON       )  
                                  ) ss.  
COUNTY OF KING           )

I, Apple Yang, 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.

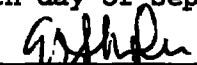
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or 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, Jennifer L. Aspaas, Patrick J. Layman, or David Powell 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.

  
\_\_\_\_\_  
Apple Yang

SUBSCRIBED AND SWORN TO before me this 25th day of September, 2003.

  
\_\_\_\_\_  
PRINTED NAME: Esther Lee

NOTARY PUBLIC in and for the State of  
Washington residing at Seattle.  
My Appointment Expires: 08/01/07.

AFTER RECORDING RETURN TO:

BISHOP, LYNCH & White, P.S.  
720 Olive Way, Suite 1600  
Seattle, WA 98101-1801  
Attn: John Edmundson  
FORBESOREGONVNOO.FRM REV 9/24/03



## EXHIBIT A

## GRANTORS and ALL OTHER PARTIES:

Robert F. Kane

✓ 19419 US HWY 97 S.  
Klamath Falls, OR 97603

Jane Doe Kane

Spouse of Robert F. Kane

✓ 19419 US HWY 97 S.  
Klamath Falls, OR 97603

Occupants of the Premises

✓ 19419 US HWY 97 S.  
Klamath Falls, OR 97603

City of Klamath Falls

Dept. of Finance\Liens

✓ 500 Klamath Ave.  
Klamath Falls, OR 97601

Mary A. Cameron dba Draperies & Things

✓ c/o Bradford J. Aspell  
122 S. 6th St.  
Klamath Falls, OR 97601

Robert Kane

✓ 5534 S. 6th St. #189  
Klamath Falls, OR 97601

Jane Doe Kane

Spouse of Robert Kane

✓ 5534 S. 6th St. #189  
Klamath Falls, OR 97601

✓ Earn L. Winters Esq.

P.O. Box 1987  
Minden, NV 89423

**82651**

**544-2635/Kane**

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

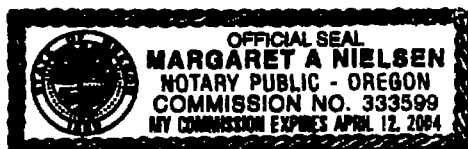
**See Attached**

**Commonly known as:** 19419 US Hwy 97 S.  
Klamath Falls, OR 97603

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

Rob Girard 275632

SUBSCRIBED AND SWORN to before me this 30<sup>th</sup> day of September 2003, by Rob Girard.



Margaret A. Nielsen  
Notary Public for Oregon

82652

**Exhibit A**

**A piece or parcel of land situate in portions of Government Lots 1 and 2 in Section 34, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:**

**Beginning at a point on the Southeastery right of way line of U.S. Highway 97 as the same is presently located and constructed, from which point the meander corner of the 1858 Meander Line common to Sections 27 and 34, Township 40 South, Range 8 East of the Willamette Meridian bears North 15° 58' 10" West 174.8 feet distant; thence South 15° 58' 10" East along the adjusted 1858 Meander Line, as established during Record Survey No. 1938, 18.1 feet to Angle Point No. 1; thence South 31° 07' 05" West along said Meander Line 808.45 feet to Angle Point No. 2; thence South 23° 08' 50" East along said meander line 769.6 feet to Angle Point No. 3; thence South 5° 38' 20" West along said meander line 300.0 feet to a point; thence North 57° 38' West 831.63 feet to a point on the Southerly right of way line of U.S. Highway 97 as the same is presently located and constructed; thence North 32° 22' 00" East along said Southeastery right of way line 1,841.38 feet to the point of beginning.**

**Said Parcel is also referred to as Parcel 1 of Land Partition 14-86.**



# Affidavit of Publication

82653

## 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 # 6166

Notice of Sale/Kane

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:  
October 8, 15, 22, 29, 2003

Total Cost: \$945.00

*Larry L. Wells*  
Subscribed and sworn

before me on: October 29, 2003

*Debra R. Smith*  
Notary Public of Oregon

My commission expires March 15, 2004

**TRUSTEE'S NOTICE OF SALE**  
Notice: We are attempting to collect a debt, any information obtained will be used for purposes of debt collecting.

Reference is made to that certain trust deed made by Robert F. Kane, a married person, as grantor, to as trustee, in favor of Mortgage Electronic Registration Systems, Inc. (MERS) as nominee for American Home Mortgage and Investments, Inc., as beneficiary, dated February 7, 2003, recorded February 12, 2003, in the mortgage records of Klamath County, Oregon, in Vol M03 Page 08757, covering the following described real property situated in said county and state, to-wit:

### EXHIBIT "A"

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lished during Record Survey No. 1938, 19.1 feet to Angle Point No. 1; thence South 31 degree 07' 05" West along said Meander Line 808.45 feet to Angle Point No. 2; thence South 23 degree 06' 50" East along said Meander Line 769.6 feet to Angle Point No. 3; thence South 5 degree 38' 20" West along said meander line 300.0 feet to a point; thence North 57 degree 38' West 931.63 feet to a point on the Southerly right of way line of U.S. Highway 97 as the same is presently located and constructed; thence North 32 degree 22' 00" East along said Southeastly right of way line 1,641.36 feet to the point of beginning.

Said Parcel is also referred to as Parcel 1 of Land Partition 14-86.

Commonly known as: 19419 US Hwy 97 S., Klamath Falls, OR 97603.

Both the beneficiary and the trustee, Krista L. White or David Powell, 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 April 1, 2003 through September 1, 2003; 6 Payment(s) at \$2,338.00, \$14,028.00; Late Charges: 5 Late Charge(s) at

\$100.66 for each monthly payment not made within 15 days of its due date: \$503.30. TOTAL MONTHLY PAYMENTS AND LATE CHARGES \$14,531.30.

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 is \$334,042.59 as of September 23, 2003. 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 may accrue after the date of this notice.

WHEREFORE, notice hereby is given that the undersigned trustee, Krista L. White or David Powell will on January 28, 2004, 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

OFFICIAL SEAL  
DEBRA R. SMITH  
NOTARY PUBLIC

580  
200

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 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: September 23, 2003. David Powell, Trustee. For information contact: Bishop, Lynch & White, P.S., 720 Olive Way, #1301, Seattle, WA 98101-1801. (206) 622-7527. Ref: Kane, 544-X2635.01. #6166 October 8, 15, 22, 29, 2003.

BISHOP, LYNCH & WHITE, PS

NOV 03 2003

RECEIVED