

04 APR 8 PM 12:11

1st 299986

Vol M04 Page 20155

WHEN RECORDED MAIL TO:  
ForeclosureLink, Inc.  
5006 Sunrise Blvd. #200  
Fair Oaks, CA 95628

State of Oregon, County of Klamath  
Recorded 04/08/2004 12:11 P m  
Vol M04 Pg 20155-63  
Linda Smith, County Clerk  
Fee \$ 61.00 # of Pgs 9

Recorder's Use \_\_\_\_\_

T.S. NO.: 12796-5  
Title Order: 2041973

## AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF CALIFORNIA    )  
                                  SS  
COUNTY OF SACRAMENTO)

I, Lauren Meyer, 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 interested 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 the 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 persons at their last known address, to-wit:

<u>NAME &amp; ADDRESS</u>	<u>CERTIFIED NO.</u>
---------------------------	----------------------

**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 ForeclosureLink, Inc , for 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 in Fair Oaks, California, on December 10, 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.

615

# Declaration of Mailing

**20156**

Date: 12/10/2003

Mailing: Sale

Page: 2

Trustee's Sale No. 12796-5

I, the undersigned, declare:

That I am an officer, agent, or employee of FORECLOSURELINK, INC.

whose business address is 5006 Sunrise Blvd, Ste 200, Fair Oaks, CA 95628

I am over the age of eighteen years; On 12/10/2003 by Certified

fully prepaid, I deposited in the United States Post Office at FAIR OAKS

notices, a true and correct copy of which is herewith attached and made a part hereof, addressed to the following:

mail, enclosed in a sealed envelope with postage

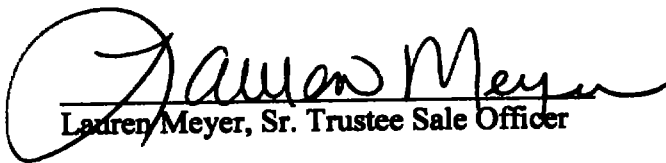
Number of Article	Name of Addressee, Street, and Post Office Address	Postage fee	Cert. fee	R.R. fee
71788518801012244500 Certified /ReturnReceipt	CONNIE L. HOWARD 1515 SARGENT AVENUE KLAMATH FALLS, OR 97601	\$ .37	\$2.30	\$1.75
71788518801012244517 Certified /ReturnReceipt	JAMES A. HOWARD 1515 SARGENT AVENUE KLAMATH FALLS, OR 97601	\$ .37	\$2.30	\$1.75
		\$ .74	\$4.60	\$3.50
Number of pieces by sender 2	Number of pieces Received (2)	Postmaster (Name) Receiving Employee	Mail By (Name) Sending Employee 10	

I certify (or Declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct

12-10-03  
(Date)

(Declarant)

20157

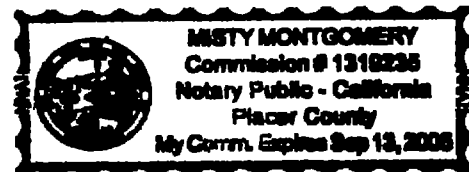
  
Lauren Meyer, Sr. Trustee Sale Officer

STATE OF California )SS  
COUNTY OF Sacramento

On April 6, 2004, before me, the undersigned,  
A Notary Public in and for said State, personally appeared  
Lauren Meyer personally known to me (or provided 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 Misty Montgomery



IN THE \_\_\_\_\_ COURT OF THE STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_: COURT CASE NO. \_\_\_\_\_

vs

# PROOF OF SERVICE

STATE OF OREGON )

County of Klamath ) ss.

I hereby certify that on the 12<sup>TH</sup> day of DEC, 2003, at the hour of 12:30pm  
 I served JAMES HOWARD by

- ☒ Personal Service (personally and in person)  
☐ Substitute Service (by serving a person over the age of 14 years, who resides at the usual place of abode of the within named)  
☐ Office Service (by serving the person apparently in charge)  
☐ By posting (said residence)

A certified/true copy of:

<input type="checkbox"/> Summons	<input type="checkbox"/> Writ of Garnishment	<input type="checkbox"/> Small Claims
<input type="checkbox"/> Motion	<input type="checkbox"/> Order	<input type="checkbox"/> Affidavit
<input type="checkbox"/> Complaint	<input type="checkbox"/> Citation	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Petition	<input type="checkbox"/> Notice	<input type="checkbox"/> Decree
<input checked="" type="checkbox"/> Other: <u>NOTICE OF TRUSTEE'S SALE &amp; DEFAULT</u>		

Together with a copy of SAME

To JAMES HOWARD & OCCUPANTS 41515 SARGENT AVE KLAMATH FALLS OR 97601

NOT FOUND: I certify that I received the within document for service on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 and after due and diligent search and inquiry, I have been unable to locate \_\_\_\_\_  
 within the county of \_\_\_\_\_. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF \_\_\_\_\_

I am a competent person over the age of 18, a resident of said State, not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise and knew that the person, firm or corporation served is the identical one named in the action.

Subscribed to and sworn to before me this

11 day of DEC, 2003

Papers  
 Received From

PPSA  
5906 N GREELEY AVE  
PORTLAND OR  
97217

Remit to: <u>BASIN PRO SERVE</u>	Service Fee	\$ <u>30-</u>
<u>422 N. 6th Street</u>	Mileage	\$
<u>Klamath Falls, OR 97601</u>	Rush/Emergency	\$
Date: <u>12/11/3</u>	Incorrect Add.	\$
Client No. <u>PPSA</u>		\$
<u>(HOWARD)</u>	Amount Paid	\$
<u>207122</u>	TOTAL DUE	\$ <u>30-</u>

DAVE DAVIS  
 Basin Pro Serve  
 (541) 884-6080

# Affidavit of Publication

20159

## STATE OF OREGON, COUNTY OF KLAMATH

I, Jeanine P. Day, 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 I know from my personal knowledge that the

Legal # 6442

Notice of Sale/Howard

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:  
March 1, 8, 15, 22, 2004

Total Cost:

Subscribed and sworn

before me on: March 22, 2004

Notary Public of Oregon

My commission expires March 15, 2008

### Trustee's Notice

Of Sale  
Pursuant to O.R.S.  
86.705, et seq. and  
O.R.S. 79-5010, et  
seq. Trustee No.:  
12796-5 Loan No.:  
1001909868

Reference is made to that certain Trust Deed made by Connie L. Howard & James A. Howard, as Grantor, to First American Title, as Trustee, in favor of IndyMac Bank, F.S.B., as Beneficiary, dated November 7, 2001, recorded November 14, 2001, in the mortgage records of Klamath County, Oregon, in book/real No. M01, page 583-40 and/or as fee/file/Instrument/microfilm No. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Deutsche Bank National Trust Company as Trustee under the Pooling and Servicing Agreement Series 2001-C, By: IndyMac Bank, F.S.B., as attorney in fact. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: Lot 8 in block 8 Fairview 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. Account No.: R302602. The street address or other common designation, if any, of the real property described above is purported to be: 1515 Sargent Avenue Klamath Falls, OR. The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

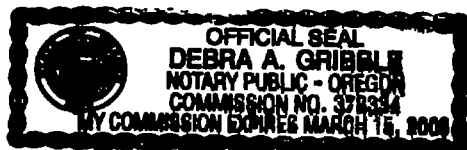
satisfy the obligation secured by said Trust Deed and a Notice of Default has been recorded pursuant to Oregon Revised Statutes 86.735 (3); the default for which the foreclosure is made is Grantor's failure to pay when due, the following sums: monthly payments of \$514.03 beginning June 1, 2003 together with title expenses, cost, trustee's fees and attorney's fees incurred herein by reason of default, and any further sum advanced by the beneficiary for the protection of the above described real property and its interest therein. Also, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens 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 contracting 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. Principal balance of \$39,694.52 with interest thereon at the rate of 10.2500% per annum from May 1, 2003 to

gether with late charge(s) delinquent together with title expense, cost, trustee's fees, trustee's fees and attorney's fees and court costs, and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein. Wherefore, notice hereby is given that, First American Title Company, c/o Foreclosurelink, Inc., The undersigned trustee will, on April 26, 2004, at the hour of 10:00 A.M. in accord with the standard of time established by O.R.S. 187.110, at the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR, 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. 89.753 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 rein-

Both the beneficiary and the trustee have elected to sell the said real property to



stated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due has 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. 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: December 4, 2003. First American Title Company, Trustee. By: Foreclosurelink, Inc., Agent 5006 Sunrise Blvd., Suite 200, Fair Oaks, CA 95628 (916) 962-3453. Luis Carda, Assist. Sec. P211034. 3/1 3/8, 3/15, 03/22/2004. #6442 March 18, 15, 22, 2004.

stated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due has 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. 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: December 4, 2003. First American Title Company, Trustee. By: Foreclosurelink, Inc., Agent 5006 Sunrise Blvd., Suite 200, Fair Oaks, CA 95628 (916) 962-3453. Luis Cerda, Assist. Sec. P211034. 3/1, 3/8, 3/15, 03/22/2004. #6442 March 1, 8, 15, 22, 2004.

**TRUSTEE'S NOTICE OF SALE**

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79-5010, et seq.

Trustee No.: 12796-5

Loan No.: 1001909868

Reference is made to that certain Trust Deed made by Connie L. Howard & James A. Howard as Grantor, to First American Title, as Trustee, in favor of IndyMac Bank, F.S.B., as Beneficiary, dated November 7, 2001, recorded on November 14, 2001, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M01, Page 58340 and/or as fee/file/instrument/ No. xxx. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Deutsche Bank National Trust Company as Trustee under the Pooling and Servicing Agreement Series 2001-C, By: IndyMac Bank, F.S.B., as attorney in fact.

Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

Lot 8 in Block 8 Fairview 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.

ACCOUNT NO.: R302602

The street address or other common designation, if any, of the real property described above is purported to be: 1515 Sargent Avenue, Klamath Falls, OR.

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: monthly payments of \$514.03 beginning June 1, 2003, together with title expenses, 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.

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.



**TRUSTEE'S NOTICE OF SALE**

Trustee No.: 12796-5 Loan No.: 1001909868

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:

Principal balance of \$39,694.52 with interest thereon at the rate of 10.2500% per annum from May 1, 2003, together with any late charge(s), delinquent taxes, insurance premiums, impounds and advances; senior liens and encumbrances which are delinquent or become delinquent together with title expense, costs, trustee's fees and any attorney's' fees and court costs, and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

WHEREFORE, notice hereby is given that, First American Title Insurance Company c/o FORECLOSURELINK, INC., the undersigned trustee will, on **April 26, 2004, at the hour of 10:00 A.M.** in accord with the standard of time established by O.R.S. 187.110, **AT THE MAIN ENTRANCE TO THE COUNTY COURTHOUSE, 316 MAIN ST., KLAMATH FALLS, 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.

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: December 4, 2003

First American Title Insurance Company, Inc., Trustee  
FORECLOSURELINK, INC., Agent

5006 Sunrise Blvd., Suite 200, Fair Oaks, CA 95628  
(916) 962-3453



Name/Title: **LUIS CERDA, ASSIST. SEC.**