

04 MAY 6 AM 11:12

Vol M04 Page 27780

State of Oregon, County of Klamath
Recorded 05/06/2004 11:12 a m
Vol M04 Pg 27780-87
Linda Smith, County Clerk
Fee \$ 76⁰⁰ # of Pgs 8

When recorded mail to:

Law Offices of Steven J. Melmet, Inc.
2912 South Daimler Street
Santa Ana, CA 92705

2008227

286683

The space above line is for recorder's use only

T.S. No. 200304298 - 15850
Loan No. 11693578

**AFFIDAVITS OF MAILING, PUBLICATION, AND SERVICE
OF NOTICE OF DEFAULT AND ELECTION TO SELL
AND TRUSTEE'S NOTICE OF SALE**

FS6. + 20.

AFFIDAVIT OF MAILING 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 true copy of the recorded original notice of sale given under the terms of that certain trust deed described in said notice.

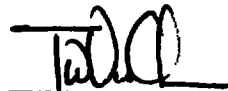
I gave notice of sale of the real property described in the attached notice of sale by mailing a true copy of the recorded original thereof by registered or certified mail and regular mail to each of the following named person's at their last known address:

See exhibit - Mailing Addresses - attached hereto and made a part hereof

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 Laura M. Soza, 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 post office at Santa Ana, CA on February 2, 2004. 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 February 2, 2004 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

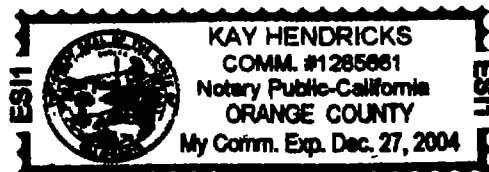
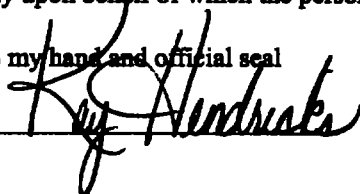


Exhibit - Mailing Addresses

James R. Titus
9217 Greenbriar Drive
Klamath Falls, OR 97603
FIRST CLASS

James R. Titus
9217 Greenbriar Drive
Klamath Falls, OR 97603
CERTIFIED: 7102205129100160930

Fredia J. Titus
9217 Greenbriar Drive
Klamath Falls, OR 97603
FIRST CLASS

Fredia J. Titus
9217 Greenbriar Drive
Klamath Falls, OR 97603
CERTIFIED: 7102205129100160931

U.S. BANK NATIONAL ASSOCIATION ND
C/O US RECORDINGS, INC.
2925 COUNTRY DRIVE STE 201
ST. PAUL, MN 55117
FIRST CLASS

U.S. BANK NATIONAL ASSOCIATION ND
C/O US RECORDINGS, INC.
2925 COUNTRY DRIVE STE 201
ST. PAUL, MN 55117
CERTIFIED: 7102205129100160928

U.S. BANK NATIONAL ASSOCIATION ND
4325 17TH AVE SW
FARGO, ND 58103
FIRST CLASS

U.S. BANK NATIONAL ASSOCIATION ND
4325 17TH AVE SW
FARGO, ND 58103
CERTIFIED: 7102205129100160929

US Bank
EP-MN-TT4F
1010 South 7th Street
Minneapolis, MN 55415
FIRST CLASS

US Bank
EP-MN-TT4F
1010 South 7th Street
Minneapolis, MN 55415
CERTIFIED: 7102205129100160932

2008227

TRUSTEE'S NOTICE OF SALE

27783

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.

Trustee No.: 200304298 - 15850

Reference is made to that certain Trust Deed made by James R. Titus and Fredia J. Titus, as tenants by the entirety as Trustor, in which National City Mortgage Co dba Commonwealth United Mortgage Company, an Ohio Corporation is named as Beneficiary and Chicago Title Insurance Company of Oregon as Trustee and recorded 03/30/2001, in Book M01, on Page 13242, in Official Records of Klamath County, Oregon; covering the following described real property situated in said county and state, to-wit:

Lot 1, Block 2, Tract No. 1172, Shield Crest, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. Together with an undivided interest in all those private roads shown on the plat and more particularly described in Declaration recorded in Volume M84, page 4256, Deed records of Klamath County, Oregon

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

9217 Greenbrier Drive, Klamath Falls, Oregon 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:

Total payments from 8/1/2003 through 06/04/2004	\$36,289.77
Total late charges	\$1,649.50
Total advances	\$ 8.66
TOTAL DUE THE BENEFICIARY	\$37,947.93

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 \$445,763.11 together with interest thereon at the current rate of 7.875 per cent per annum from 07/01/2003 until paid, plus all accrued late charges, escrow advances, attorney's fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

WHEREFORE, notice hereby is given that the undersigned trustee will, on 06/04/2004, 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 County Courthouse, 316 Main St., Klamath Falls, OR

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.

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.

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.

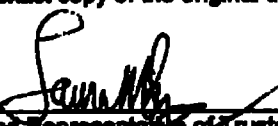
Dated: 1/23/2004

First American Title Insurance Company

By 
LAURA M. SOZA

State of CA
County of Orange ss.

I certify that I, LAURA M. SOZA am an authorized representative of First American Title Insurance Company, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale.


Authorized Representative of Trustee
LAURA M. SOZA

For further information please contact:

The Law Offices of Steven J. Melmet
Foreclosure Department
2912 South Daimler Street
Santa Ana, CA 92705
949-263-1000

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

2003 04298-15850

IN THE COURT OF THE STATE OF OREGON
 COUNTY OF Klamath : COURT CASE NO. _____

27785

vs

PROOF OF SERVICE

STATE OF OREGON

County of Klamath ss.

I hereby certify that on the 31st day of JAN, 2004, at the hour of 4:00 PM
 Located ON FRONT ENTRANCE 9217 GREENBRIAR DR. K. FALLS OR 97603 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)
X Office Service (by serving the person apparently in charge)
X By posting (said residence) VACANT HOUSE

A certified/true copy of:

- | | | |
|---|--------------------------|-------------------|
| ____ Summons | ____ Writ of Garnishment | ____ Small Claims |
| ____ Motion | ____ Order | ____ Affidavit |
| ____ Complaint | ____ Citation | ____ Subpoena |
| ____ Petition | ____ Notice | ____ Decree |
| <u>X</u> Other: <u>TRUSTEE'S SALE & NOTICE OF DEFAULT</u> | | |

Together with a copy of SAME

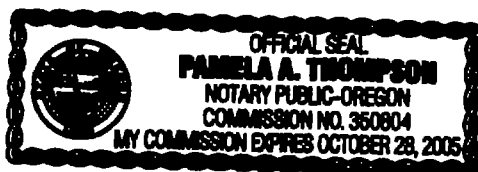
To FRONT ENTRANCE At 9217 GREENBRIAR DR.
K. FALLS OR 97603

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
31st day of JAN, 2004



Basin Pro Serve
 (541) 884-8080

Papers
 Received From

PPSA
5906 N GREENWAY AVE
PORTLAND OR,
97217

Remit to: BASIN PRO SERVE	Service Fee	\$ <u>30 -</u>
422 N. 6th Street	Mileage	\$ <u>5 -</u>
Klamath Falls, OR 97601	Rush/Emergency	\$
Date: <u>1/31/04</u>	Incorrect Add.	\$
Client No. <u>209861</u>		\$
	Amount Paid	\$
	TOTAL DUE	\$ <u>35 -</u>

- 11/11/11

Affidavit of Publication

27786

STATE OF OREGON,
COUNTY OF KLAMATH

I, John T. Walker,
being first duly sworn, depose and say
that I am 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 # 6431

Notice of Sale/Titus

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:
February 25, March 3, 10, 17, 2004

Total Cost: _____

John T. Walker

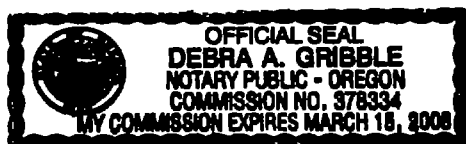
Subscribed and sworn

before me on: March 17, 2004

Debra A. Gribble

Notary Public of Oregon

My commission expires March 15, 2008 dg



Trustee's Notice
of Sale
Pursuant To O.R.S.
86.705, et seq. and
O.R.S. 79.5010, et
seq. Trustee No:
200304298-15850

Reference is made
to that certain Trust
Deed made by
James R. Titus and
Fredia J. Titus, as
tenants by the en-
tirety, as Trustor, in
which National City
Mortgage Co dba
Commonwealth
United Mortgage
Company, an Ohio
Corporation is
named as Beneficia-
ry and Chicago Title
Insurance Company
of Oregon as Trust-
ee and recorded
3/30/2001, in Book
M01, on Page 13242,
in Official Records
of Klamath County,
Oregon; covering
the following descri-
bed real property
situated in said
county and state, to-
wit: Lot 1, block 2,
tract no. 1172, Shield
Crest, according to
the official plat
thereof on file in the
office of the county
clerk of Klamath
County, Oregon. To-
gether with an undi-
vided interest in all
those private roads
shown on the plat
and more particu-
larly described in
Declaration recorded
in volume M84,
page 4256, Deed re-
cords of Klamath
County, Oregon. The
street address or
other common des-
ignation, if any, of
the real property
above is purported
to be: 9217 Green-
briar Drive, Kla-
math Falls, OR
97603. The under-
signed trustee dis-
claims any liability
for any incorrect-
ness of the above
street address or
other common des-
ignation.

Both the beneficiary
and the trustee have
elected to sell the
said real property to
satisfy the obliga-
tions secured by
said trust deed and

a Notice of Default
has been recorded
pursuant to Oregon
Revised Statutes
86.735 (3); the de-
fault for which the
foreclosure is made
is grantor's failure
to pay when due, the
following sums: To-
tal Payments from
8/1/2003 through
06/04/2004 \$36,289.77
Total Late Charges
\$1649.50 Total Ad-
vances \$8.66 Total
Due The Beneficiary
\$37,947.93.

Also, if you have
failed to pay taxes
on the property, pro-
vide insurance on
the property or pay
other senior liens or
encumbrances as re-
quired 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 benefi-
ciary may require
as a condition to re-
instatement that you
provide reliable
written evidence
that you have paid
all senior liens or
encumbrances,
property taxes and
hazard insurance
premiums. These re-
quirements for rein-
statement should be
confirmed by con-
tacting the under-
signed trustee.

By reason of said
default, the benefi-
ciary has declared
all sums owing on
the obligation se-
cured by said trust
deed immediately
due and payable,
said sums being the
following: The un-
paid principal bal-
ance of \$445,783.11
together with inter-
est thereon at the
current rate of 7.875
per cent per annum
from 07/01/2003 until
paid, plus all ac-
crued 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.

Wherefore, notice
hereby is given that
the undersigned
trustee will, on
6/4/2004, at the hour
of 10:00 AM in ac-
cord with the stand-
ard of time estab-
lished by O.R.S.
187.110 at the follow-
ing place: At the
main entrance to the
County Courthouse,
316 Main St., Kla-
math Falls, OR
County of Klamath
State of Oregon, sell
at public auction to
the highest bidder
for cash, the interest
in the said described
real property with
the Grantor has or
had power to convey
at the time of execu-
tion by him of the
said Trust Deed, to-
gether with any in-
terest which the
Grantor his succes-
sors in interest ac-
quired after the ex-
ecution of said Trust
Deed, to satisfy the
foregoing obliga-
tions thereby se-
cured and the costs
and expenses of
sale, including rea-
sonable charge by
the trustee.

Notice is further
given that any per-
son named in O.R.S.
86.733 has the right,
at any time prior to
five days before the
date last set for the
sale, to have this
foreclosure proceed-
ing dismissed and
the Trust Deed rein-
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 had
no default occurred)
and by curing any
other default com-
plained of herein
that is capable of
being cured by ten-
dering the perform-
ance required under
the obligations or to
cure to default, by
paying all costs and
expenses actually
incurred in enforc-
ing the obligation
and Trust Deed, to-
gether 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 dated, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

Dated: 1/23/2004.
First American Title
Company, By Laura
M. Soza, Law Offi-
ces of Steven J. Mei-
met, Inc., 2912 South
Daimler Street, San-
ta Ana, CA 92705-
5811. (949) 263-1000.
This is an attempt to
collect a debt and
any information ob-
tained will be used
for that purpose.
P209861. 2/25, 3/3,
3/10, 03/17/2004.
#6431 February 25,
March 3, 10, 17, 2004.