

04 JUN 29 AM 11:03

Vol M04 Page 42070

State of Oregon, County of Klamath
Recorded 06/29/2004 11:03 a m
Vol M04 Pg 42070-76
Linda Smith, County Clerk
Fee \$ 61.00 # of Pgs 7

ASPEN 58874
**RECORDING COVER SHEET
FOR NOTICE OF SALE PROOF
OF COMPLIANCE, PER ORS 205.234**

THIS COVER SHEET HAS BEEN PREPARED BY THE
PERSON PRESENTING THE ATTACHED INSTRUMENT
FOR RECORDING. ANY ERRORS IN THIS COVER SHEET
DO NOT AFFECT THE TRANSACTION(S) CONTAINED
IN THE INSTRUMENT ITSELF.

FILED IN THE PUBLIC RECORDS

TS# F-34869-OR-DM
LN# 0017324468

44/01/22

AFTER RECORDING RETURN TO:

QUALITY LOAN SERVICE CORP.
319 ELM STREET, 2ND FLOOR
SAN DIEGO, CA 92101-3006

AFFIDAVIT OF MAILING NOTICE OF SALE

✓ **AFFIDAVIT OF PUBLICATION**

✓ **PROOF OF SERVICE**

ORIGINAL GRANTOR: JUAN FRANCISCO HERNANDEZ

BENEFICIARY: FIRST HORIZON HOME LOAN CORP.

51 x 10 A

TRUSTEE'S NOTICE OF SALE

Loan No: 0017324468

T.S. No.: F-34869-OR-DM

Reference is made to that certain deed made by, JUAN FRANCISCO HERNANDEZ as Grantor to ASPEN TITLE & ESCROW, INC., in favor of FIRST HORIZON HOME LOAN CORPORATION D/B/A PREMIER, as Beneficiary,

dated 4/13/2000, recorded 4/25/2000, in official records of Klamath county, Oregon in book/reel/volume No. VOL. M00 at page No. 14184, fee/file/instrument/microfile/reception No. --- (indicated which), covering the following described real property situated in said County and State, to-wit:

THE SOUTHERLY 47 FEET OF LOTS 23, 24 AND 25, BLOCK 3, INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

Tax Assessor's #: 3809-33CA-3100

More commonly known as:	1016 OWENS STREET KLAMATH FALLS, OR 97601
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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 11/1/2003 PAYMENT OF PRINCIPAL AND INTEREST AND ALL SUBSEQUENT PAYMENTS, TOGETHER WITH LATE CHARGES, IMPOUNDS, TAXES ADVANCES AND ASSESSMENTS.

Monthly Payment \$571.68

Monthly Late Charge 28.58

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: \$55,873.72 with interest thereon at the rate of 8.75 percent per annum beginning 10/1/2003; plus late charges of \$28.58 each month beginning 11/1/2003 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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, FIDELITY NATIONAL TITLE INSURANCE COMPANY the undersigned trustee will on 8/16/2004 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 call: 916-387-7728 or logon to: www.calpost.com

42072

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: April 02, 2004

BY: FIDELITY NATIONAL TITLE INSURANCE
COMPANY, as TRUSTEE

Signature By A. Fryer
FIDELITY NATIONAL TITLE INSURANCE COMPANY

TRUSTEE'S NOTICE OF SALE

Loan No: 0017324468

T.S. No.: F 34869 OR 04

F34869ORDM/Hernandez

42073

AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON)
) ss.
County of Klamath)

I, Cory Dickens, being first duly sworn, depose and say:

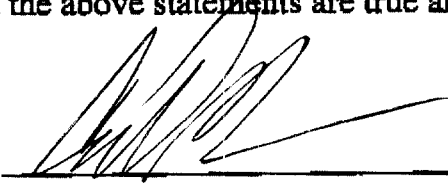
That I am, and have been at all material times hereto, a competent person over the age of eighteen years and a resident of Klamath County, State of Oregon. I am not a party to, an attorney in, or interested in any suit of action involving the property described below.

That on the 12th day of April 2004, after personal inspection, I found the following described real property to be unoccupied:

THE SOUTHERLY 47 FEET OF LOTS 23, 24 AND 25, BLOCK 3, INDUSTRIAL
ADDITION TO THE CITY OF KLAMATH FALLS, IN THE COUNTY OF KLAMATH,
STATE OF OREGON.

Commonly known as: 1016 OWENS STREET
 KLAMATH FALLS, OR 97601

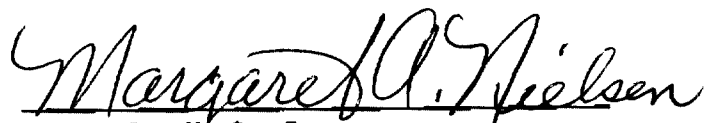
I declare under the penalty of perjury that the above statements are true and correct.


Cory Dickens

285667

SUBSCRIBED AND SWORN to before me this 13th day of April 2004, by Cory Dickens.




Notary Public for Oregon

Affidavit of Publication

42074

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 # 6662

Notice of Sale/Hernandez

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:

May 14, 21, 28, June 4, 2004

Total Cost: ~~100.00~~

Jeanine P Day

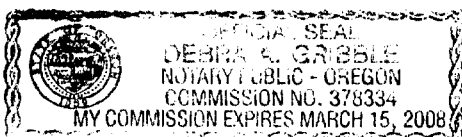
Subscribed and sworn

before me on: June 4, 2004

Debra A. Grizzle

Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S NOTICE OF SALE T.S. No.: F-34869- OR-DM Loan No: 0017324468

Reference is made to that certain deed made by, Juan Francisco Hernandez as Grantor to Aspen Title & Escrow, Inc., in favor of First Horizon Home Loan Corporation d/b/a Premier, as Beneficiary, dated 4/13/2000, recorded 4/25/2000, in official records of Klamath county, Oregon in book/reel/ volume No. VOL. M00 at page No. 14184, fee/ file/ instrument/ microfilm/ reception No. --- (indicated which), covering the following described real property situated in said County and State, to-wit: The Southernly 47 feet of Lots 23, 24 and 25, Block 3, Industrial Addition to the City of Klamath Falls, in the County of Klamath, State of Oregon. Tax Assessor's #: 3809-33-CA-3100. More commonly known as: 1016 Owens Street, Klamath Falls, OR 97601.

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 11/1/2003 payment of principal and interest and all subsequent payments, together with late charges, impounds, taxes advances and assessments. Monthly Payment \$571.68 Monthly Late Charge 28.58.

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: \$55,873.72 with interest thereon at the rate of 8.75 percent per annum beginning 10/1/2003; plus late charges of \$28.58 each month beginning 11/1/2003 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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, Fidelity National Title Insurance Company the undersigned trustee will on 8/16/2004 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 se-

cured 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 call: 916-387-7728 or logon to: www.cal-post.com <<http://www.cal-post.com>>

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: Fidelity National Title Insurance Company, Trustee
Signature By A. Fragassi, Fidelity National Title Insurance Company, Dated: April 02, 2004.
ASAP588182 5/14, 5/21, 5/28, 6/5, #6662 May 14, 21, 28, June 4, 2004.

WHEN REDORDED MAIL TO:
 FIRST HORIZON HOME LOAN CORP.
 (Recorder's Use)

4000 HORIZON WAY,
 FORECLOSURE DEPT. #6205
 IRVING, TEXAS 75063

T.S. NO.: F-34869-OR-DM
 LOAN NO.: 0017324468

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF California} SS
 COUNTY OF San Diego}

I, MICHAEL TRUJILLO, 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.

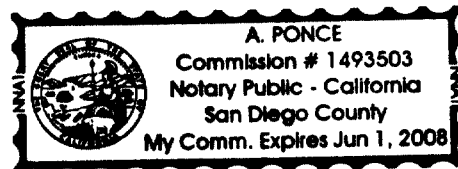
SEE ATTACHED

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 ANDY 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 mail San Diego California, on 4/12/2004. 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.

STATE OF California} SS
 COUNTY OF San Diego}



(notary seal)

On 04/12/2004 before me, the undersigned, A Notary Public in and for said State, personally appeared MICHAEL TRUJILLO 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

A. PONCE


AFFIDAVIT OF MAILING

Date: **April 12, 2004**
T.S. No.: **F-34869-OR-DM**
Loan No.: **0017324468**

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 **April 12, 2004**, (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 **Torre-Buckles**

JUAN FRANCISCO HERNANDEZ
1016 OWENS STREET
KLAMATH FALLS, OREGON 97601
Z71788518801015193591

JUAN FRANCISCO HERNANDEZ
1016 OWENS STREET
KLAMATH FALLS, OREGON 97601
First Class

JUAN FRANCISCO HERNANDEZ
5804 ESTATE DRIVE
KLAMATH FALLS, OR 97603
Z71788518801015193607

JUAN FRANCISCO HERNANDEZ
5804 ESTATE DRIVE
KLAMATH FALLS, OR 97603
First Class

PARTIES IN POSSESSION OR CLAIMING ANY RIGHT TO POSSESSION
1016 OWENS STREET
KLAMATH FALLS, OREGON 97601
Z71788518801015193614

PARTIES IN POSSESSION OR CLAIMING ANY RIGHT TO POSSESSION
1016 OWENS STREET
KLAMATH FALLS, OREGON 97601
First Class