

04 AUG 20 AM 11:29

Vol M04 Page 55055

***First American Title Insurance Company***

State of Oregon, County of Klamath  
Recorded 08/20/04 11:29a m  
Vol M04 Pg 55055-63  
Linda Smith, County Clerk  
Fee \$ 76<sup>00</sup> # of Pgs 9

2281548/388307

**RECORDING COVER SHEET FOR  
NOTICE OF SALE PROOF OF COMPLIANCE  
Per ORS 205.234**

388307

**AFTER RECORDING RETURN TO:  
CRISTINASLASOMEANU  
First American Title Insurance Company  
400 COUNTRYWIDE WAY SV-35  
SIMI VALLEY, CA 93065**

**TS No.: 04 -05981  
Doc ID #000213600662005N**

1. AFFIDAVIT OF MAILING NOTICE OF SALE
2. AFFIDAVIT OF PUBLICATION NOTICE OF SALE
3. AFFIDAVIT OF SERVICE
4. COPY OF NOTICE OF SALE

Original Grantor on Trust Deed: JERALDINE L STEWART

Beneficiary: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

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

F61. - + 15. -

# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

I, the undersigned, being first duly sworn, depose and 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 the beneficiary's successor in interest named in the attached 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 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 address, to-wit:

**See attached Exhibit A for all the mailing address(es).**

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 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 VENTURA, CALIFORNIA, on 5-24-04. With respect to each person listed above, one such notice was mailed 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 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.

Subscribed and sworn to before me on 5-24, 2004, by Lee S. Douglas

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

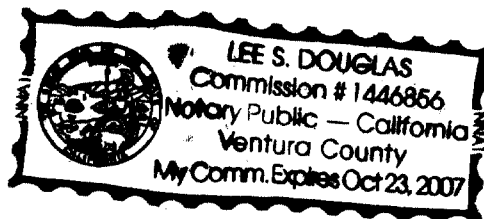
Grantor

and JERALDINE L STEWART

Notary Public for California LEE S. DOUGLAS  
Residing at Ventura, CA  
My commission expires: 10-23-07

First American Title Insurance Company  
Trustee TS No. 04-05981

After Recording return to:  
400 COUNTRYWIDE WAY SV-35  
First American Title Insurance Company  
SIMI VALLEY, CA 93065





55057

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE  
"EXHIBIT A"**

**TS No. 04-05981**

JERALDINE L STEWART  
118 IOWA ST  
KLAMATH FALLS, OR 97601  
7187 7930 3131 0385 5254

JERALDINE L STEWART  
118 IOWA STREET  
KLAMATH FALLS, OR 97601  
7187 7930 3131 0385 5261

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Jeraldine L Stewart, An Unmarried Woman, as grantor(s), to Amerititle, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 09/17/2002, recorded 10/03/2002, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume No. M02 at Page No. 56657 as Recorder's fee/file/instrument/microfilm/reception Number -, covering the following described real property situated in said county and state, to wit:

LOT 3, BLOCK 14, NORTH KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 118 IOWA STREET  
KLAMATH FALLS, OR 97601

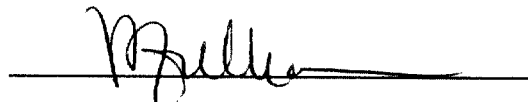
Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$324.57 beginning 12/01/2003; plus late charges of \$16.23 each month beginning with the 12/01/2003 payment plus prior accrued late charges of \$64.92; plus advances of \$696.50; 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.

By reason of said default the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, said sums being the following to wit: \$50,089.01 with interest thereon at the rate of 6.625 percent per annum beginning 11/01/2003 until paid, plus all accrued late charges thereon 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 interests therein.

WHEREFORE, notice hereby is given that, FIRST AMERICAN TITLE INSURANCE COMPANY, the undersigned Trustee will on Monday, September 27, 2004 at the hour of 10:00 AM in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the city of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the Trust Deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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) and by curing any other default complained of herein 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 the Trustee's and attorney's fees not exceeding the amounts provided by OSRS 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 5/17, 2004



FIRST AMERICAN TITLE INSURANCE COMPANY

For further information, please contact:

55059

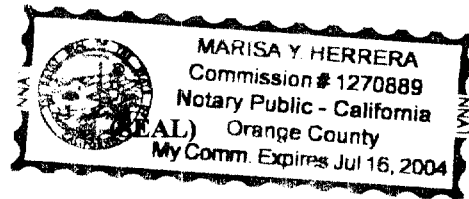
**FIRST AMERICAN TITLE INSURANCE COMPANY  
C/O CTC REAL ESTATE SERVICES  
5898 CONDOR DRIVE, MP-88  
MOORPARK, CA 93021  
(800)-281-8219  
TS No. 04 -05981  
Doc ID #000213600662005N**

STATE OF CA )  
COUNTY OF Orange ) ss.

On 5/17/04, before me, MARISA HERRERA, personally appeared MARIA DELATORRE, 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]  
Notary Public for \_\_\_\_\_  
My commission expires: \_\_\_\_\_



**THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER IF YOU HAVE OR ARE IN THE PROCESS OF OBTAINING DISCHARGE OF THE DEBT FROM A BANKRUPTCY COURT, THIS DOCUMENT IS NOT AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF LIEN RIGHTS AGAINST THE PROPERTY.**

55060

## AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON

County of KLAMATH

I, DAVE DAVIS, 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 the State of Oregon. I am not a party to, an attorney in, or interested in any suit or action involving the property described below.

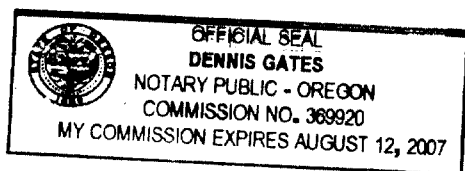
That on the 20TH day of MAY, 2004, after personal inspection, I found the following real property to be unoccupied.

118 IOWA ST, KLAMATH FALLS OR 97601

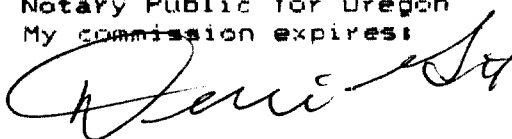


DAVE DAVIS,  
BASIN PROSERVE,  
CLEVELAND LEGAL SUPPORT SERVICE  
PO BOX 5358  
CENTRAL POINT OR 97502  
541-665-5162

SUBSCRIBED AND SWORN to before me this 28 day of  
MAY, 2004.



Notary Public for Oregon  
My commission expires:

 8-12-07

IN THE \_\_\_\_\_ COURT OF THE STATE OF \_\_\_\_\_ OREGON  
COUNTY OF \_\_\_\_\_ KLAMATH \_\_\_\_\_ COURT CASE NO. \_\_\_\_\_

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

55061

vs  
JERALDINE L STEWART

**PROOF OF SERVICE**

STATE OF OREGON )  
County of \_\_\_\_\_ KLAMATH ) SS.

I hereby certify that on the \_\_\_\_\_ 20 day of May, 20 04, at the hour of 0800  
I served \_\_\_\_\_ OCCUPANTS (VACANT) \_\_\_\_\_ 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)  
XX By posting (said residence)

A certified/true copy of:

_____ Summons	_____ Writ of Garnishment	_____ Small Claims
_____ Motion	_____ Order	_____ Affidavit
_____ Complaint	_____ Citation	_____ Subpoena
_____ Petition	_____ Notice	_____ Decree
X Other: TRUSTEES NOTICE OF SALE		

Together with a copy of \_\_\_\_\_

To \_\_\_\_\_ OCCUPANTS (VACANT) \_\_\_\_\_ At \_\_\_\_\_ 118 IOWA ST  
\_\_\_\_\_ KLAMATH FALLS, OR. 97601

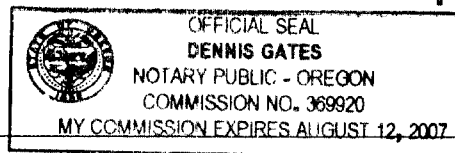
NOT FOUND: I certify that I received the within document for service on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_  
and after due and diligent search and inquiry, I have been unable to locate \_\_\_\_\_  
within the county of \_\_\_\_\_ Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

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

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  
\_\_\_\_\_ 28 day of MAY, 20 04

*Dave Davis*  
DAVE DAVIS (#16)  
Cleveland Legal Support Service  
(541) 665-5162



Papers Received From \_\_\_\_\_ FEI LLC  
\_\_\_\_\_ PO BOX 219  
\_\_\_\_\_ BELLEVUE  
\_\_\_\_\_ WA 98009-0219

425-458-2112  
ATTN: IRENE X 1944

Remit to: CLSS, Inc.	Service Fee	\$
P.O. Box 5358	Mileage	\$
Central Point, OR 97502	Rush/Emergency	\$
Date: 05-20-2004	Incorrect Add.	\$
CLSS File No. 2771-K		\$
Client No.	Amount Paid	\$ 0.00
1000.08202	TOTAL DUE	\$

# Affidavit of Publication

55062

## 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 # 6782

Notice of Sale/Stewart

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 24, July 1, 8, 15, 2004

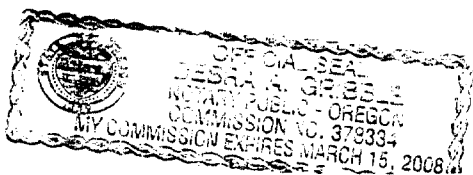
Total Cost: \$784.00

*Jeanine P. Day*  
Subscribed and sworn

before me on: July 15, 2004

*Debra A. Grizzle*  
Notary Public of Oregon

My commission expires March 15, 2008



### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Jeraldine L. Stewart, An Unmarried Woman, as grantor(s), to American Title, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 09/17/2002, recorded 10/03/2002, in the mortgage records of Klamath County, Oregon in Book/Reel/Volume No. M02 at Page No. 56657 as Recorder's fee/file/instrument/microfilm/reception Number, covering the following described real property situated in said county and state, to wit:

Lot 3, Block 14, North Klamath Falls, according to the official plat thereof on file in the office of the county clerk of Klamath County, Oregon. PROPERTY ADDRESS: 118 Iowa Street, Klamath Falls, OR 97601.

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations secured by the 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 \$324.57 beginning 12/01/2003; plus late charges of \$16.23 each month beginning with the 12/01/2003 payment plus prior accrued late charges of \$64.92; plus advances of \$696.50; together with title ex-

pense, 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.

By reason of said default the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, said sums being the following to wit: \$50,089.01 with interest thereon at the rate of 6.625 percent per annum beginning 11/01/2003 until paid, plus all accrued late charges thereon 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 interests therein.

WHEREFORE, notice hereby is given that, FIRST AMERICAN TITLE INSURANCE COMPANY, the undersigned Trustee will on Monday, September 27, 2004 at the hour of 10:00 AM in accord with the standard of time established by ORS 187.110 at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the city of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had pow-

er to convey at the time of the execution by grantor of the Trust Deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 by 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 Trust Deed, and in addition to paying said sums or tendering the performance necessary required under the obligation of 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 the Trustee's and Attorney's fees not exceeding the



amounts provided  
by OSRS 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: May 17, 2004.  
First American Title  
Insurance Company.  
For further information, please contact:  
First American Title  
Insurance Company,  
C/O CTC Real Estate  
Services, 5898  
Condor Drive, MP-  
88, Moorpark, CA  
93021. (800) 281-  
8219. TS No. 04-  
05981. Doc. ID  
#000213600662005N.  
#6782 June 24, July  
1, 8, 15, 2004.