

04 SEP 8 PM 3:17

Vol M04 Page 60165

RECORDING COVER SHEET

FOR CONVEYANCES 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.

State of Oregon, County of Klamath

Recorded 09/08/04 3:17 p m

Vol M04 Pg 60165-75

Linda Smith, County Clerk

Fee \$ 71⁰⁰ # of Pgs 11

AFTER RECORDING RETURN TO:

Described in the attached instrument. Required by ORS 205.234(a)

1st
379039

T.D. SERVICE COMPANY
1820 EAST FIRST ST. SUITE 210
SANTA ANA, CA 92705

NAME(S) OF THE TRANSACTIONS, described in the attached instrument and required by ORS
205.234(a)

AFFADAVIT OF PUBLICATION
RETURN OF SERVICE
AFFIDAVIT OF MAILING
TRUSTEES NOTICE OF SALE

GRANTOR, as described in ORS 205.160

T.D. SERVICE (DAVID A. KUBAT)

GRANTEE, as described in ORS 205.160

JAMES R. GERHARDT AND MYRNA L. GERHARDT

718

Affidavit of Publication

60166

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 # 6855

Notice of Sale/Gerhardt

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:

July 28, August 4, 11, 18, 2004

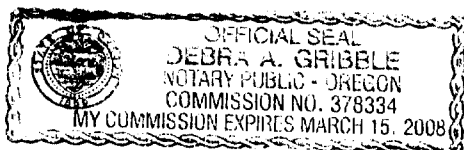
Total Cost:

Subscribed and sworn

before me on: July 18, 2004

Notary Public of Oregon

My commission expires March 15, 2008



OREGON TRUSTEE'S NOTICE OF SALE RE: Loan #: 879043377 Title #: 379039 UTC #: 11503 TO: JAMES R. GERHARDT AND MYRNA L. GERHARDT

Reference is made to that certain deed of trust made by JAMES R. GERHARDT AND MYRNA L. GERHARDT AS TENANTS BY THE ENTIRETY, as grantor, AMERITITLE, as trustee, in favor of MILLENIUM FUNDING GROUP as beneficiary, dated JUNE 20, 2000; recorded JUNE 30, 2000, in the mortgage records of KLAMATH County, Oregon, in book/reel/volume No. M00 at page 24090, (fee/file/instrument No.) covering the following described real property situation in said county and state, to wit: LOTS 4 AND 29 OF ROSELAWN RESUBDIVISION OF BLOCK 70, BUENA VISTA 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. TOGETHER WITH THAT PORTION OF VACATED ALLEY WHICH ATTACHES THERETO. MORE COMMONLY KNOWN AS: 727 ROSEWAY DRIVE, 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 deed of trust and a notice of de-

fault has been recorded pursuant to Oregon Revised Statutes 86.735; the default for which the foreclosure is made is grantor's failure to pay when due the following sums: 5 LATE CHARGES OF \$27.56 FROM 12/16/03 \$137.80 5 Payments of \$551.14 from 12/01/03, \$2,755.70 RECOVERABLE CORP. ADVANCE \$792.21 ESCROW BALANCE \$10.00 SUB-TOTAL OF AMOUNTS IN ARREARS \$3,695.71.

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: Principal \$63,382.27 together with interest as provided in the note or other instrument secured from the 1ST day of NOVEMBER, 2003, and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

Wherefore, notice is hereby given that the undersigned trustee will on SEPTEMBER 17, 2004 at the hour of 10:00 AM, o'clock, Standard Time, as established by ORS 187.110, at MAIN STREET, EN-TRANCE, 316 MAIN STREET, KLAMATH CO. COURT-HOUSE, KLAMATH FALLS, 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 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 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 trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753. It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's or certified check.

60167

The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above..

In construing this notice, the masculine gender includes the feminine and the neuter, 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: APRIL 27, 2004. David A. Kubat, OSBA#84265 (Successor Trustee)
By: David A. Kubat.
DIRECT INQUIRIES TO: DAVID A. KUBAT C/O T.D. SERVICE COMPANY, 1820 EAST FIRST STREET, SUITE 210, SANTA ANA, CA 92705. (800) 843-0260. SALES LINE 800 843 0260 EXT 5690 TAC: 497675W. PUB: 7/28, 8/4, 8/11, 8/18. #6855 July 28, August 4, 11, 18, 2004.

STATE OF OREGON)
)
 County of Klamath)

Court Case No.: 06-11503

I HEREBY CERTIFY THAT on MAY 11, 2004 the within:
 () Summons & Complaint () Summons & Petition () Summons
 () Complaint () Petition () Answer
 () Motion () Affidavit () Order
 () Order to Show Cause () Restraining Order () Subpoena
 () Citation () Small Claim (X) Notice

X TRUSTEE'S SALE & NOTICE OF DEFAULT

for service on the within named OCCUPANTS OF 727 ROSEWAY DR. K. FAUS 97601

() SERVED: _____ personally and in person
 at _____

() SUBSTITUTE SERVICE: By leaving a true copy with _____
 _____, a person over the age of fourteen years, who
 resides at the place of abode of the within named _____
 at said abode: _____

() OFFICE SERVICE: By leaving a true copy with _____
 the person in charge of the office maintained for the conduct of business
 by _____

() CORPORATE: By leaving a true copy with _____
 of said corporation

X OTHER METHOD: POSTED VACANT HOUSE 727 ROSEWAY DR. K. FAUS 97601
 () NOT FOUND: After due and diligent search and inquiry, I hereby return tha
 I have been unable to find the within named _____
 within Klamath County.

ALL SEARCH AND SERVICE WAS MADE WITHIN KLAMATH COUNTY, STATE OF OREGON

DATE AND TIME OF SERVICE OR NOT FOUND: MAY 11, 2004 AT 7:15am

I FURTHER CERTIFY that I am a competent person 18 years of age or older and a
 resident of the state of service or the State of Oregon and that I am not a
 party to nor an officer, director or employee of, not attorney for any party,
 corporate or otherwise; that the person, firm or corporation served by me is
 the identical person, firm or corporation named in the action.

BY: Dan D.
BASIN PROSERVE
422 N. 6th Street
Klamath Falls, OR 97601
(541) 884-6080



Pamela A. Thompson
Notary Public for Oregon

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF CALIFORNIA, COUNTY OF ORANGE, ss:

60169

I, Vanessa Varelas, 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 his successor in interest named in the attached original notice of sale given under 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 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, attached hereto.

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 of 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 of 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 David Kubat, OSBA No. 84265, 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 May 20, 2004. With respect to each person listed on the attached, 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.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Vanessa Varelas
VANESSA VARELAS

Subscribed and sworn before me this 20th day of May, 2004.

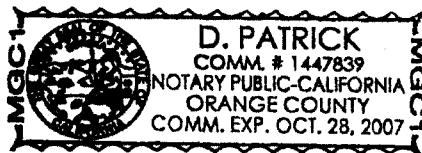
WITNESS my hand and official seal.

D. Patrick

D. PATRICK

Notary Public for California

My Commission Expires: 10-28-2007



AFTER RECORDING RETURN TO:

T.D. SERVICE COMPANY
1820 EAST FIRST STREET, SUITE 210
SANTA ANA, CA 92705

TD# 0611503

DECLARATION OF MAILING BY CERTIFIED/REGISTERED MAIL

T.S.# 0 11503 L

Date: 05/21/04

IRWIN HOME EQUITY CORPORATION
LOAN #: 602-0001223208
P.O. BOX 1368
SAN RAMON, CA 94583

CERTIFIED 7105 2257 2920 0130 4789
RETURN RECEIPT REQUESTED

IRWIN UNION BANK AND TRUST COMPANY
LOAN #: 602-0001223208
1717 EAST COLLEGE PARKWAY
CARSON CITY, NV 89706

CERTIFIED 7105 2257 2920 0130 4796
RETURN RECEIPT REQUESTED

JAMES R. GERHARDT
727 ROSEWAY DRIVE
KLAMATH FALLS, OR 97601

CERTIFIED 7105 2257 2920 0130 4802
RETURN RECEIPT REQUESTED

SPOUSE OF JAMES R. GERHARDT
727 ROSEWAY DRIVE
KLAMATH FALLS, OR 97601

CERTIFIED 7105 2257 2920 0130 4819
RETURN RECEIPT REQUESTED

MYRNA L. GERHARDT
727 ROSEWAY DRIVE
KLAMATH FALLS, OR 97601

CERTIFIED 7105 2257 2920 0130 4826
RETURN RECEIPT REQUESTED

SPOUSE OF MYRNA L. GERHARDT
727 ROSEWAY DRIVE
KLAMATH FALLS, OR 97601

CERTIFIED 7105 2257 2920 0130 4833
RETURN RECEIPT REQUESTED

OCCUPANT
727 ROSEWAY DRIVE
KLAMATH FALLS, OR 97601

CERTIFIED 7105 2257 2920 0130 4840
RETURN RECEIPT REQUESTED

JAMES R. GERHARDT
LOOP N.E. 19450 CHERRY BLOSSOM
POULSBO, WA 98370-7367

CERTIFIED 7105 2257 2920 0130 4857
RETURN RECEIPT REQUESTED

SPOUSE OF JAMES R. GERHARDT
LOOP N.E. 19450 CHERRY BLOSSOM
POULSBO, WA 98370-7367

CERTIFIED 7105 2257 2920 0130 4864
RETURN RECEIPT REQUESTED

MYRNA L. GERHARDT
LOOP N.E. 19450 CHERRY BLOSSOM

CERTIFIED 7105 2257 2920 0130 4871
RETURN RECEIPT REQUESTED

STATE OF CALIFORNIA
COUNTY OF ORANGE

The undersigned does hereby declare that he/she is over the age of 18 year and that his/her business address is 1820 E. First Street, Ste# 300, Santa Ana, CA, 92705. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by Certified/Registered mail, in a sealed envelope, a copy of the document which is attached to this declaration.

I certify or declare under penalty of perjury that the foregoing is true and correct.

Vanessa L. Vela

DECLARATION OF MAILING BY CERTIFIED/REGISTERED MAIL

60171

T.S.# O 11503 L
POULSBO, WA 98370-7367

^{20_{nv}}
Date: 05/21/04

SPOUSE OF MYRNA L. GERHARDT
LOOP N.E. 19450 CHERRY BLOSSOM
POULSBO, WA 98370-7367

CERTIFIED 7105 2257 2920 0130 4888
RETURN RECEIPT REQUESTED

STATE OF CALIFORNIA
COUNTY OF ORANGE

The undersigned does hereby declare that he/she is over the age of 18 year and that his/her business address is 1820 E. First Street, Ste# 300, Santa Ana, CA, 92705. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by Certified/Registered mail, in a sealed envelope, a copy of the document which is attached to this declaration.

I certify or declare under penalty of perjury that the foregoing is true and correct.

Vanessa D. Varelas

AFFIDAVIT OF MAILING
BY FIRST CLASS MAIL

60172

T.S.# 0 11503 L

Date: 05/21/04

STATE OF CALIFORNIA
COUNTY OF ORANGE

SS.

The undersigned does hereby declare that he/she is over the age of 18 years and that his/her business address is 1820 E. First Street, Ste# 300, Santa Ana, CA, 92705. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by First Class Mail, in a sealed envelope, a copy of the Notice of Default / Notice of Trustee's Sale (Circle)

Addressed to the following:

IRWIN HOME EQUITY CORPORATION
LOAN #: 602-0001223208
P.O. BOX 1368
SAN RAMON, CA 94583

IRWIN UNION BANK AND TRUST COMPANY
LOAN #: 602-0001223208
1717 EAST COLLEGE PARKWAY
CARSON CITY, NV 89706

JAMES R. GERHARDT
727 ROSEWAY DRIVE
KLAMATH FALLS, OR 97601

SPOUSE OF JAMES R. GERHARDT
727 ROSEWAY DRIVE
KLAMATH FALLS, OR 97601

MYRNA L. GERHARDT
727 ROSEWAY DRIVE
KLAMATH FALLS, OR 97601

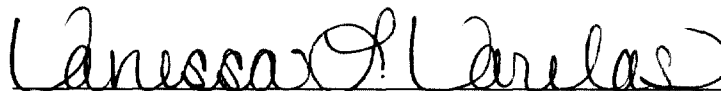
SPOUSE OF MYRNA L. GERHARDT
727 ROSEWAY DRIVE
KLAMATH FALLS, OR 97601

OCCUPANT
727 ROSEWAY DRIVE
KLAMATH FALLS, OR 97601

JAMES R. GERHARDT
LOOP N.E. 19450 CHERRY BLOSSOM
POULSBO, WA 98370-7367

SPOUSE OF JAMES R. GERHARDT
LOOP N.E. 19450 CHERRY BLOSSOM
POULSBO, WA 98370-7367

I declare under penalty of perjury that the foregoing is true and correct.



AFFIDAVIT OF MAILING
BY FIRST CLASS MAIL

60173

T.S.# O 11503 L

Date: 05/21/04

STATE OF CALIFORNIA
COUNTY OF ORANGE

SS.

The undersigned does hereby declare that he/she is over the age of 18 years and that his/her business address is 1820 E. First Street, Ste# 300, Santa Ana, CA, 92705. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by First Class Mail, in a sealed envelope, a copy of the Notice of Default / Notice of Trustee's Sale (Circle)

Addressed to the following:

MYRNA L. GERHARDT
LOOP N.E. 19450 CHERRY BLOSSOM
POULSBO, WA 98370-7367

SPOUSE OF MYRNA L. GERHARDT
LOOP N.E. 19450 CHERRY BLOSSOM
POULSBO, WA 98370-7367

I declare under penalty of perjury that the foregoing is true and correct.

Vanessa A. Canelas

RE: Loan #: 8790483971

Title #: 379039

UTC #: 0L-11503

**OREGON
TRUSTEE'S NOTICE OF SALE**

TO: JAMES R. GERHARDT AND MYRNA L. GERHARDT

Reference is made to that certain deed of trust made by JAMES R. GERHARDT AND MYRNA L. GERHARDT
AS TENANTS BY THE ENTIRETY , as grantor,
AMERITITLE , as trustee,
in favor of MILLENNIUM FUNDING GROUP

dated JUNE 20, 2000 , recorded JUNE 30, 2000 , as beneficiary,
mortgage records of KLAMATH , in the
volume No. M00 at page 24090 , County, Oregon, in book/reel/
(fee/file/instrument No.)
covering the following described real property situated in said county and state, to wit:

LOTS 4 AND 29 OF ROSELAWN RESUBDIVISION OF BLOCK 70, BUENA VISTA 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. TOGETHER WITH THAT PORTION OF VACATED ALLEY
WHICH ATTACHES THERETO.
MORE COMMONLY KNOWN AS: 727 ROSEWAY DRIVE, 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 deed of trust and a notice of default has been recorded pursuant to Oregon Revised Statutes
86.735; the default for which the foreclosure is made is grantor's failure to pay when due the following
sums:

5 Late Charge(s) of \$27.56 from 12/16/03	137.80
5 Payments of \$551.14 from 12/01/03	2,755.70
RECOVERABLE CORP. ADVANCE	792.21
ESCROW BALANCE	10.00

SUB-TOTAL OF AMOUNTS IN ARREARS:	3,695.71

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: Principal \$ 63,382.27 ,
together with interest as provided in the note or other instrument secured from the 1ST day of
NOVEMBER , 2003 and such other costs and fees as are due under the note or other instrument
secured, and as are provided by statute.

Wherefore, notice is hereby given that the undersigned trustee will on SEPTEMBER 17, 2004 ,
at the hour of 10 : 00 AM , o'clock, Standard Time, as established by ORS 187.110, at MAIN
STREET ENTRANCE, 316 MAIN STREET, KLAMATH CO. COURTHOUSE KLAMATH FALLS

KLAMATH , County of
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 him of the said trust deed, together with any interest which 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 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 trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's or certified check.

The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: APRIL 27, 2004

David A. Kubat, OSBA# 84265
(Successor Trustee)

BY: 

DIRECT INQUIRIES TO:
DAVID A. KUBAT
c/o T.D. Service Company
1820 East First Street, Suite 210
Santa Ana, CA 92705

800 843 0260
Sales Line 800 843 0260 Ext 5690