

04 OCT 14 AM 10:26

Vol M04 Page 69713

**RECORDING COVER SHEET FOR NOTICE
OF SALE PROOF OF COMPLIANCE PER
O.R.S. 205.234**

THIS COVER SHEET HAS BEEN PREPARED BY THE
PERSON PRESENTING THE ATTACHED
INTRUMENT 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 10/14/04 10:26 a m
Vol M04 Pg 69713-23
Linda Smith, County Clerk
Fee \$ 81⁰⁰ # of Pgs 11

WHEN RECORDED MAIL TO

REGIONAL TRUSTEE SERVICES CORPORATION, as Trustee
616 1st Avenue, Suite 500
Seattle, WA 98104

Trustee's Sale No: 09-HH-36895

Aspen 591507



MARK NAME(S) OF ALL THE TRANSACTION(S) described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.

- ☒ **AFFIDAVIT OF MAILING NOTICE OF SALE** (must have trustee's notice of sale attached)
- ☒ **AFFIDAVIT OF PUBLICATION NOTICE OF SALE** ✓
- ☒ **PROOF OF SERVICE /AFFIDAVIT OF NON-OCCUPANCY** ✓

Original Grantor on Trust Deed

EVANGELINE S LINCOLN, KENNETH W LINCOLN

Beneficiary

FIRST INDIANA BANK

71A
+10

REGIONAL TRUSTEE SERVICES CORPORATION
 616 1st Avenue, Suite 500
 Seattle, WA 98104
 Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-HH-36895



Affidavit of Mailing Trustee's Notice of Sale

STATE OF WASHINGTON)
) ss.
 COUNTY OF KING)

The undersigned, being first duly sworn, states that I am now, and at all times herein mentioned was a citizen of the United States a resident of the State of Washington, and 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 the terms of that certain trust deed described in said Notice.

That 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, to-wit:

EVANGELINE S LINCOLN, 1844 MELANIE CT, KLAMATH FALLS, OR, 97601
 KENNETH W LINCOLN, 1844 MELANIE CT, KLAMATH FALLS, OR, 97601
 PARTIES IN POSSESSION, 1844 MELANIE CT, KLAMATH FALLS, OR, 97601
 SPOUSE OF EVANGELINE S LINCOLN, 1844 MELANIE CT, KLAMATH FALLS, OR, 97601
 SPOUSE OF KENNETH W LINCOLN, 1844 MELANIE CT, KLAMATH FALLS, OR, 97601

ERIC R. STARK, STARK AND HAMMER, P.C. , 210 WEST MAIN STREET, SUITE 1B, MEDFORD, OR, 97501

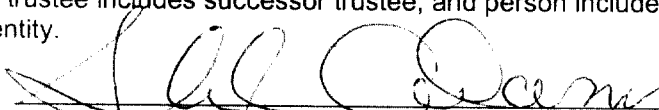
INTERNAL REVENUE SERVICE, ADVISORY – M/S W245, 915 2nd AVENUE, ATTN: CHIEF OF SPECIAL PROCEDURES, SEATTLE, WA, 98174

Said persons include (a) the grantor in the trust deed, (b) 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 b ORS 86.785.

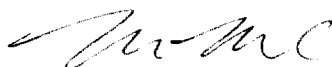
Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by an authorized representative of the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Seattle, WASHINGTON, on 7-2-04. 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.

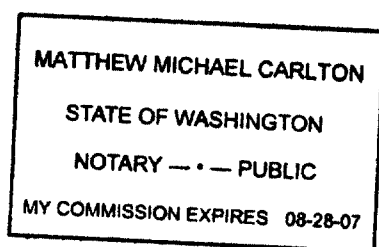
69715

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


On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on 7-2-04


NOTARY PUBLIC for WASHINGTON
My commission expires: 8-28-07



NOTICE TO BORROWER: YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.
Trustee's Sale No. 09-HH-36895



Reference is made to that certain Deed of Trust made by, EVANGELINE S LINCOLN, KENNETH W LINCOLN, as grantor, to FIRST AMERICAN TITLE, as Trustee, in favor of FIRST INDIANA BANK, as beneficiary, dated 3/29/2001, recorded 3/30/2001 in Volume M01, page 12904, of Deeds of Trust, under Instrument No. , records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 14 IN BLOCK 1 TRACT 1182 GREEN KNOLL ESTATES, ACCORDING TO THE
OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF
KLAMATH COUNTY, OREGON.

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

1844 MELANIE CT
KLAMATH FALLS, OR 97601

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:

	Amount due as of June 28, 2004

Delinquent Payments from April 28, 2003	
15 payments at \$ 670.69 each	\$ 10,060.35
(04-28-03 through 06-28-04)	
Late Charges:	\$ 30.59
Beneficiary Advances:	\$ 1,989.97
Suspense Credit:	\$ 0.00
	=====
TOTAL:	\$ 12,080.91

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:

UNPAID PRINCIPAL BALANCE OF \$58,691.91, PLUS interest thereon at 13.390% per annum from 3/28/2003, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee, will on November 2, 2004, at the hour of 10:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the 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.

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.


Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

69718

DATED: June 28, 2004

REGIONAL TRUSTEE SERVICES CORPORATION
Trustee

By


NANCI LAMBERT, AUTHORIZED AGENT
616 1st Avenue, Suite 500, Seattle, WA 98104
Phone: (206) 340-2550
Sale Information: <http://www.rtrustee.com>

STATE OF WASHINGTON }
 } ss.
COUNTY OF KING }

I certify that I am an authorized representative of trustee, and the foregoing is a complete and exact copy of the original trustee's notice of sale.

Authorized Representative of Trustee

09HH36895/LINCOLN

69719

RS OR

PROOF OF SERVICE

STATE OF OREGON)
) ss.
 County of Klamath)

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, along with the Notice Under the Federal Fair Debt Collection Practices Act, upon the **OCCUPANTS** at the following address:

1844 MELANIE COURT, KLAMATH FALLS, OREGON 97601, as follows:

Personal service upon Ken Lincoln, by delivering said true copy, personally and in person, at the above address on July 1, 2004 at 9 : 57 a.m.

Personal service upon _____, by delivering said true copy, personally and in person, at the above address on _____, 2004 at _____:_____m.

Substitute service upon Evangeline Lincoln, by delivering said true copy, at his/her usual place of abode as indicated above, to Ken Lincoln who is a person over the age of 14 years and a member of the household on July 1, 2004 at 9 : 57 a.m.

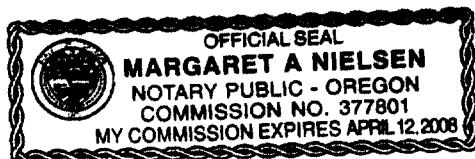
Substitute service upon _____, by delivering said true copy, at his/her usual place of abode as indicated above, to _____ who is a person over the age of 14 years and a member of the household on _____, 2004 at _____:_____m.

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

Cory Dickens

289393

SUBSCRIBED AND SWORN to before me this 2nd day of June, 2004 by Cory Dickens



Margaret A. Nielsen
 Notary Public for Oregon

1/2

TS# 09-hh-36895/Lincoln

CERTIFICATE OF MAILING

STATE OF OREGON)
) ss.
County of Multnomah)

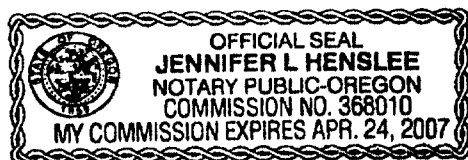
I, Cheri J. Crowe, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On July 5, 2004, I mailed a copy of the Trustee's Notice of Sale and Fair Debt Notice, via First Class Mail, postage pre-paid, together with a statement of the date, time, and place at which substitute service was made, to Ken Lincoln.

The envelope was addressed as follows: Ken Lincoln & Evangeline Lincoln
1844 Melanie Court
Klamath Falls, OR 97601

Cheri J Crowe
Cheri J. Crowe

289393

SUBSCRIBED AND SWORN TO BEFORE ME this 5th day of July, 2004, by Cheri J. Crowe.



Jennifer L. Henslee
Notary Public for Oregon

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Affidavit of Publication

69721

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 # 6823

Notice of Sale/Lincoln

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 14, 21, 28, August 4, 2004

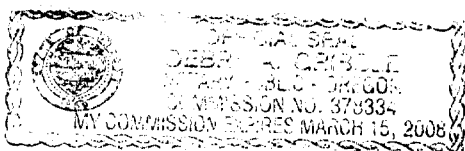
Total Cost: \$910.00

Subscribed and sworn

before me on: August 4, 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's Sale No. 09-88-36895

Notice to Borrower: You should be aware that the undersigned is attempting to collect a debt and that any information obtained will be used for that purpose.

Reference is made to that certain Deed of Trust made by, Evangeline S. Lincoln, Kenneth W. Lincoln, as grantor, to First American Title, as Trustee, in favor of First Indiana Bank, as beneficiary, dated 3/29/2001, recorded 3/30/2001, in Volume M01, page 12904, of Deeds of Trust, under Instrument No. records of Klamath County, Oregon. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Mortgage Electronic Registration Systems, Inc. as nominee for its successors and assigns. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: Lot 14 in Block 1 Tract 1182 Green Knoll Estates, according to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon. The street address or other common designation, if any, of the real property described above is purported to be: 1844 Melanie Ct, Klamath Falls, OR 97601. 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: Amount due as of June 28, 2004 Delinquent Payments from April 28, 2003 15 payments at \$670.69 each \$10,060.35 (04-28-03 through 06-28-04) Late Charges: \$30.59 Beneficiary Advances: \$1,989.97 Suspense Credit: \$0.00 Total: \$12,080.91.

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: Unpaid Principal Balance of \$58,691.91, Plus in-

terest thereon at 13.390% per annum from 3/28/2003, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

Wherefore, notice hereby is given that the undersigned trustee, will on November 2, 2004, at the hour of 10:00 AM, in accord with the standard of time established by ORS 187.110, at on the front steps of the Circuit Court, 316 Main Street, 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 property which the grantor had, or had the 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 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.

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.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

Dated: June 28, 2004. Regional Trustee Services Corporation Trustee, By Nanci Lambert, Authorized Agent, 616 1st Avenue, Suite 500, Seattle, WA 98104. Phone: (206) 340-2550. Sale Information: <http://www.rtrustee.com>. ASAP 599887. 07/14, 07/21, 07/28, 08/04. #6823 July 14, 21, 28, August 4, 2004.

REGIONAL TRUSTEE SERVICES CORPORATION
616 1st Avenue, Suite 500
Seattle, WA 98104
Phone: (206) 340-2550 / Fax: (206) 292-4930

Trustee Sale No.: 09-HH-36895



July 27, 2004

Affidavit of Mailing IRS Lien Notice

State of WASHINGTON)
) ss.
County of KING)

I, MAT M CARLTON, being first duly sworn, state that I am now, and at all times herein mentioned was a citizen of the United States a resident of the State of WASHINGTON, and over the age of eighteen years, and not the beneficiary or his successor in interest named in the attached Notice of Trustee's Sale.

That, at the direction and under the supervision of the Trustee I gave notice of the sale of the real property described in the attached Notice of Trustee's Sale, by mailing a copy thereof by first class mail and by mailing a copy by certified mail with return receipt requested to:

The notice so mailed was a true copy of the original Notice of Trustee's Sale, contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in a United States post office at Seattle, WA, on July 27, 2004.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED July 27, 2004, at Seattle, WA.

 MATT M. CARLTON

IRS Mailing Aff