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Affidavit of Publication

Vol M05 Page 03518

State of Oregon, County of Klamath
Recorded 01/18/05 8:49 a m
Vol M05 Pg 03518-26
Linda Smith, County Clerk
Fee \$ 61⁰⁰ # of Pgs 9

**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 # 7121

Notice of Sale/Kenneth D. & Cindy A. Kern

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:
December 13, 20, 27, 2004, January 3, '05

Total Cost: \$728.00

Jeanine P. Day
Subscribed and sworn
before me on: January 3, 2005

Debra A. Snibbe
Notary Public of Oregon

My commission expires March 15, 2008

**TRUSTEE'S
NOTICE OF SALE**
Loan No: 4949356/
591/Kern T.S. No:
ONMC-061105

Reference is made
to that certain deed
of trust made by
Kenneth D. Kern
and Cindy A. Kern
as tenants by the en-
tirety, as Grantor,
to Forrest N.A. Bac-
ci, Esq., as Trustee,
in favor of Northwest
Mortgage, Inc., as
Beneficiary, dated
1/20/1999, recorded
1/27/1999, as Bk
M99, Pg 3092, and
that Assignment to
Home Loan Mort-
gage Trust 1999-A

which recorded on
6/27/2000 in Book
M00 at Page 23220,
in Official Records
of Klamath County,
Oregon, securing the
following described
real property, situ-
ated in said County
and State to-wit: Lot
29, Yalta Gardens in
the County of Klamath,
State of Oregon.
Commonly
known as: 1828 Kane
Street, Klamath
Falls, OR 97603
APN: R-3909-002AB-
04900-000.

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
the Notice of Default
has been recorded
pursuant to Section
86.735(3) of O.R.S.
The default for
which the foreclo-
sure is made is the
grantor's failure to
pay: **Delinquent
Payments** From
6/1/2004 No. Pmts:
4 Rate: 10.5%
Amount: \$786.50 To-
tal: \$3,146.00 Total
Late Charges:
\$100.86 Beneficiary
Advances (if any,
itemized as fol-
lows): Other \$40.00
Total Due Beneficia-
ry: \$3,286.86 Total
Foreclosure Fee and
Costs: \$1,232.57 To-

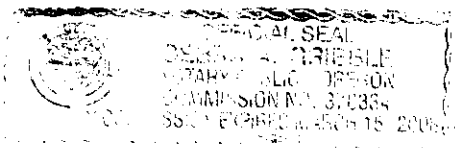
tal required to rein-
state: \$4,519.43.
Plus all accrued re-
al property taxes,
interest and/or pen-
alties until paid. De-
faults other than
payment of money:
By this reason of
said default the ben-
eficiary has de-
clared all obliga-
tions secured by
said deed of trust
immediately due
and payable, said
sums being the fol-
lowing, to-wit: The
unpaid balance of
\$71,058.45 together
with interest due
thereon from
5/1/2004 at the rate
of 10.5% until paid;
plus all accrued late
charges thereon;
and all trustee's
fees, foreclosure
costs and any sums
advanced by the
beneficiary and/or
trustee pursuant to
the terms of said
deed of trust.

Whereof, notice is
hereby given that
Fidelity National Ti-
tle Insurance Com-
pany, the under-
signed trustee by
reason of said de-
fault will on
01/27/2005 at 11:00
A.M. pursuant to
O.R.S. Sections
86.705, et seq., at
the front steps of the
Circuit Court, 316
Main Street, Klamath
Falls, OR sell at
public auction to
the highest bidder
for cash or certified
funds the interest in
the said described
real property which
the grantor had or
had power to convey
at the time of the
execution of the said
trust deed, together
with any interest
which the grantor or
his successors in in-
terest acquired after
the execution of said
trust deed, to satisfy
the foregoing obliga-
tions thereby se-
cured and the costs
and expenses of
sale, including a
reasonable charge-
by the trustee. No-
tice is further given
that any person
named in Section

86.753 of O.R.S. has
the right to have the
foreclosure proceed-
ings dismissed and
the trust deed rein-
stated by payment
to the beneficiary
and/or trustee of the
entire amount then
due (other than such
portion of said prin-
cipal as would not
then be due had no
default occurred),
together with the
costs, trustee's and
attorney's fees and
curing any other de-
fault complained of
in the Notice of De-
fault by tendering
the performance re-
quired under the ob-
ligation or trust
deed, at any time
prior to five days
before the date last
set for sale.

In construing this
notice, the mascu-
line gender includes
the feminine and the
neuter, the singular
includes the plural,
the word "grantor"
includes any succes-
sors 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" in-
clude their respec-
tive successors in in-
terest, if any. For
Trustee's Sale Infor-
mation please call
(925)603-7342.

Dated 9/9/2004, Fi-
delity National Title
Insurance Company,
as Successor Trust-
ee, c/o Standard
Trustee Service
Company Washing-
ton, 2600 Stanwell
Dr., Ste. 200, Con-
cord, CA 94520.
(925)603-1000. By:
Peggy Payne, Assis-
tant Secretary, as
authorized Agent.
We are attempting
to collect a debt and
any information we
obtain will be used
for that purpose.
(RSVP#58435) (12/13
/04, 12/20/04,
12/27/04, 01/03/05)
#7121 December 13,
20, 27, 2004, January
3, 2005.



TRUSTEE'S NOTICE OF SALE

Loan No: 4949356/591/KERN

T.S. No: ONMC-061105

Reference is made to that certain deed of trust made by Kenneth D. Kern and Cindy A. Kern, as tenants by the entirety, as Grantor to Forrest Bacci, Esq., as Trustee, in favor of Norwest Mortgage, Inc., as Beneficiary, dated 1/20/1999, recorded 1/27/1999, as Instrument No. , Book M99, Page 3092, and that Assignment to Home Loan Mortgage Trust 1999-A which recorded on 6/27/2000 in Book M00 at Page 23220, in Official Records of Klamath County, Oregon, securing the following described real property, situated in said County and State to-wit:

Lot 29, Yalta Gardens in the County of Klamath, State of Oregon.

Commonly known as:
1828 KANE STREET
KLAMATH FALLS, OR 97603

APN: R-3909-002AB-04900

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and the notice of default 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 pay:

Delinquent Payments:

<u>FROM</u>	<u>THRU</u>	<u>NO. PMT.</u>	<u>RATE (%)</u>	<u>AMOUNT</u>	<u>TOTAL</u>
6/1/2004		4	10.5	\$786.50	\$3,146.00
Total Late Charges:					\$100.86
Beneficiary Advances (if any, itemized as follows):					
Other					\$40.00
Total Due Beneficiary:					\$3,286.86
Total Foreclosure Fee and Costs:					\$1,232.57
TOTAL REQUIRED TO REINSTATE:					\$4,519.43

Plus all accrued real property taxes, interest and/or penalties until paid.

Defaults other than payment of money:

By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The unpaid principal balance of \$71,058.45 together with interest thereon from 5/1/2004 at the rate of 10.5% until paid; plus all accrued late charges thereon; and, all trustee's fees, foreclosures costs and any sums advanced by the beneficiary and/or trustee pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that Fidelity National Title Insurance Company, the undersigned trustee by reason of said default will sell on **1/27/2005 at 11:00 AM**, pursuant to Oregon Revised Statutes Sections 86.705 et. seq., at **ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, OR**, at public auction to the highest bidder for cash or certified funds the interest in the said described real property which the grantor had or had power to convey at the time of the execution 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 and/or trustee of the

03520

entire amount then due (other than such portion of said principal as would not then been 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.

In construing this notice, the masculine gender includes the feminine and the neuter, and the singular includes plural, the word "grantor" includes any successors 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.

FOR TRUSTEE'S SALE INFORMATION, PLEASE CALL (925) 603-7342.

Dated: 9/9/2004

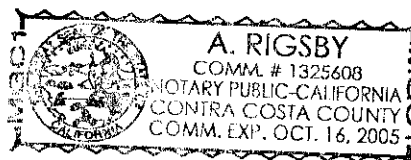
FIDELITY NATIONAL TITLE INSURANCE COMPANY, as Successor Trustee
c/o Standard Trustee Service Company Washington
2600 Stanwell Drive, Suite 200
Concord, CA 94520
(925) 603.1000

Peggy Payne
By: Peggy Payne, Assistant Secretary, as authorized Agent

State of CALIFORNIA
County of CONTRA COSTA

This instrument was acknowledged before me on 9/9/2004, by Peggy Payne of Standard Trustee Service Company Washington, authorized agent of Fidelity National Title Insurance Company.

A. Rigsby
A. Rigsby



Standard Trustee Service Company Washington
2600 Stanwell Drive, Suite 200
P.O. Box 5070
Concord, California 94520

925-603-1000

Date: September 09, 2004

T.S. No: ONMC-061105
Loan No: 4949356/591/KERN

DEBT VALIDATION NOTICE

1. The enclosed document relates to a debt owed to:

Home Loan Mortgage Trust 1999-A
Wells Fargo Bank, N.A.
2. You may send us a written request for the name and address of the original creditor, if different from the current creditor, and we will obtain and mail the information within thirty (30) days after we receive your written request.
3. As of **September 09, 2004**, the total delinquency owed was **\$4,519.43**, but this amount will increase until the delinquency has been fully paid.
4. As of **September 09, 2004**, the amount required to pay the entire debt in full was the unpaid principal balance of **\$71,058.45**, plus interest from **5/1/2004**, late charges, negative escrow and attorney and/or trustee's fees and costs that may have been incurred. The amount will increase daily until the debt has been paid in full.
5. You may dispute the validity of this debt, or any portion thereof, by contacting our office within thirty (30) days after receiving this notice. In that event, we will obtain and mail to you written verification of the debt. Otherwise, we will assume that the debt is valid.

**WE ARE ATTEMPTING TO COLLECT A DEBT, AND ANY INFORMATION
WE OBTAIN WILL BE USED FOR THAT PURPOSE.**

AFFIDAVIT OF SERVICE

State of OREGON

County of Klamath

Circuit Court

Case Number: N/A

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RE:KERN

Received by BROWNE LEGAL to be served on **OCCUPANTS 1828 Kane St. Klamath Falls, OR 97603.**

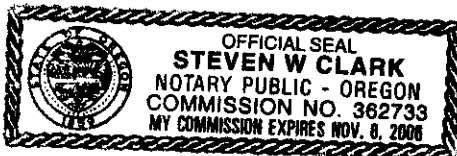
I, Jefferson State Adjusters 5418828036, being duly sworn, depose and say that on the **28th day of September, 2004 at 5:10 pm, I:**

Served the following, **NOTICE OF TRUSTEE'S SALE** by delivering such true copy personally and in person to the above stated, at the address stated.

Additional Information pertaining to this Service:

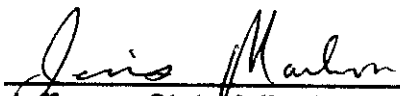
Kenneth Kern was served as grantor

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, nor 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.



Subscribed and Sworn to before me on the 19th day of August, 2004 by the affiant who is personally known to me


NOTARY PUBLIC


Jefferson State Adjusters-5418828036
Process Server

BROWNE LEGAL
P.O. Box 1351
McMinnville, OR 97128
(503) 230-9509

Our Job Serial Number: 2004004131
Ref: 57205

ONMC-061105

03523

AFFIDAVIT OF MAILING

Date: **September 16, 2004**

T.S. No.: **ONMC-061105**

Loan No.: **4949356/591/KERN**

STATE OF **California** }
COUNTY OF **Contra Costa** }

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in **Contra Costa** County, California at Standard Trustee Service Company Washington, and is not a party to the within action and that on **September 16, 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 **Peggy Payne**

Kenneth D. Kern
1828 Kane Street
Klamath Falls, OR 97603
Z71788518801020095309

Kenneth D. Kern
1828 Kane Street
Klamath Falls, OR 97603
First Class

Cindy A. Kern
1828 Kane Street
Klamath Falls, OR 97603
Z71788518801020095316

Cindy A. Kern
1828 Kane Street
Klamath Falls, OR 97603
First Class

Occupants of the premises
1828 Kane Street
Klamath Falls, OR 97603

Z71788518801020095323

Occupants of the premises
1828 Kane Street
Klamath Falls, OR 97603

First Class

03524

AFFIDAVIT OF MAILING

Date: **September 16, 2004**

T.S. No.: **ONMC-061105**

Loan No.: **4949356/591/KERN**

STATE OF California }
COUNTY OF Contra Costa }

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in **Contra Costa** County, California at Standard Trustee Service Company Washington, and is not a party to the within action and that on **September 16, 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 *Peggy Payne*
Affiant **Peggy Payne**

Carter-Jones Collection Service
1143 Pine Street
Klamath Falls, OR 97601
Z71788518801020095330

Carter-Jones Collection Service
1143 Pine Street
Klamath Falls, OR 97601
First Class

Ford Motor Credit Company
c/o Hooper, Englund & Weil, LLP
Attn: Chelsea S. Lewandowski
1100 SW Sixth Avenue, Suite 1507
Portland, OR 97204-1016
Z71788518801020095347

Ford Motor Credit Company
c/o Hooper, Englund & Weil, LLP
Attn: Chelsea S. Lewandowski
1100 SW Sixth Avenue, Suite 1507
Portland, OR 97204-1016
First Class

Ford Motor Credit Company
1335 S. Clearview Avenue
Mesa, AZ 85208
Z71788518801020095354

Ford Motor Credit Company
1335 S. Clearview Avenue
Mesa, AZ 85208
First Class

03525

AFFIDAVIT OF MAILING

Date: **September 16, 2004**

T.S. No.: **ONMC-061105**

Loan No.: **4949356/591/KERN**

STATE OF California }
COUNTY OF Contra Costa }

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in **Contra Costa** County, California at Standard Trustee Service Company Washington, and is not a party to the within action and that on **September 16, 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 Peggy Payne

State of Oregon
c/o Klamath County Circuit Court
316 Main Street
Klamath Falls, OR 97601

Z71788518801020095361

State of Oregon
c/o Klamath County Circuit Court
316 Main Street
Klamath Falls, OR 97601

First Class

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Contra Costa

} ss.

On

1-13-05

Date

, before me,

Autumn R Skerski

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

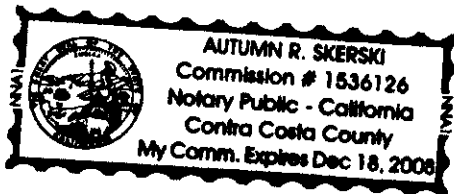
personally appeared

Peggy Payne

Name(s) of Signer(s)

- ☐ personally known to me
☒ 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.



Place Notary Seal Above

WITNESS my hand and official seal.

Autumn R Skerski

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT**OF SIGNER**

Top of thumb here