

After recording return to:

William M. Ganong  
Attorney at Law  
514 Walnut Avenue  
Klamath Falls, OR 97601

2009-013511

Klamath County, Oregon



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10/16/2009 02:47:47 PM

Fee: \$67.00

**AFFIDAVIT OF MAILING  
TRUSTEE'S NOTICE OF SALE  
AND DANGER NOTICE**

STATE OF OREGON, County of Klamath, ss:

I, Wendy Young, secretary to William M. Ganong, Attorney at Law, 514 Walnut Avenue, Klamath Falls, Oregon 97601, being first duly sworn, depose, say and certify that:

I am an employee of William M. Ganong, Successor Trustee for the Trust Deed more particularly described in the Notice of Default and Election to Sell and Trustee's Notice of Sale recorded in Book 2009-008070 on June 11, 2009 in the records of the Clerk of Klamath County, Oregon.

On June 11, 2009, I deposited with the United States Postal Service at Klamath Falls, Oregon, sealed envelopes containing a Trustee's Notice of Sale executed by William M. Ganong and containing the information shown on the Trustee's Notice of Sale attached hereto. I mailed one such envelope by First Class Mail and one such envelope by Certified Mail with Return Receipt Requested, postage prepaid, to the following named party at the following address:

Klamath County Tax Collector  
305 Main Street  
Klamath Falls OR 97601

On June 11, 2009, I deposited with the United States Postal Service at Klamath Falls, Oregon, sealed envelopes containing a Trustee's Notice of Sale executed by William M. Ganong and containing the information shown on the Trustee's Notice of Sale attached hereto and the Danger Notice required by Section 20, Chapter 19, Oregon Laws 2008, a copy of which is attached hereto. I mailed one such envelope by First Class Mail and one such envelope by Certified Mail with Return Receipt Requested, postage prepaid, to the following named party at the following addresses:

Anthony S. Agueda, III  
2437 S 6th Street  
Klamath Falls OR 97601

Anthony S. Agueda, III  
2434 Pershing Way  
Klamath Falls OR 97601

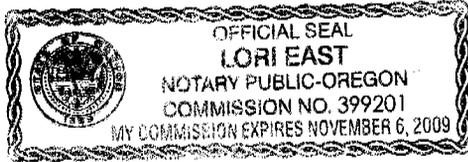
Said persons include: (a) the grantor in the trust deed; (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice; (c) any person or agency having a lien or interest subsequent to the Trust Deed, which lien or interest appears of record or which the beneficiary has actual notice; and (d) any person requesting notice as provided in ORS 86.785.

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The addresses shown above are the last known addresses of said parties.

Wendy Young  
Wendy Young, Secretary to  
William M. Ganong, Successor Trustee

This instrument was acknowledged before me on the 16<sup>th</sup> day of October, 2009 by Wendy Young.



Lori East  
Notary Public for Oregon  
My commission expires: 11-6-09

TRUSTEE'S NOTICE OF SALE

YOU ARE GIVEN NOTICE: THAT THE BENEFICIARY AND TRUSTEE HAVE ELECTED TO SELL THE PROPERTY DESCRIBED BELOW TO SATISFY THE FOLLOWING DESCRIBED OBLIGATION:

1. A. Grantor: Anthony S. Agueda III  
B. Successor Trustee: William M. Ganong  
C. Beneficiary: Lowell Lee Weatherford III and Jill Weatherford
2. The legal description of the property covered by the subject Trust Deed is:

Lots 6 and 7, Block 4, Sixth Street Addition to the City of Klamath Falls, in the County of Klamath, State of Oregon.

Klamath County Assessor's Account No.  
R-3909-004AA-03300 and Property ID No. R530884

The book, page number, and the date the subject Trust Deed was recorded in the Mortgage Records of Klamath County, Oregon are:

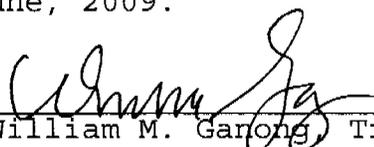
Book: Volume M01      Page: 24168      Date Recorded: May 25, 2001

3. The defaults for which the foreclosure is made are the Grantor's failure to pay the monthly installments of \$305.81 due and payable since September 25, 2008, plus the collection escrow fee of \$2.50 per month since that date; Grantor's failure to pay the real property taxes and assessments for tax years 2005-2006, 2006-2007, and 2007-2008 in the amount of \$1,628.48, plus interest, levied against the property before they became delinquent; and Grantor's failure to keep the property insured.
4. The principal and interest owing on the obligation secured by the subject Trust Deed as of May 22, 2009 is \$18,562.81, plus interest at the Note rate of 8.0% from May 23, 2009 until paid in full. Also owing is the sum of \$664.45, plus interest thereon at the rate of 8.0% per annum from June 1, 2009, until paid for delinquent real property taxes and interest paid for by the beneficiaries to keep the property from going into County Tax Foreclosure.
5. The Beneficiary and the Trustee have elected to foreclose the above referenced Trust Deed pursuant to the provisions of Oregon Revised Statutes 86.705 to 86.795.
6. The Trustee will conduct a sale of the above described property at 10 a.m. on the 27th day of October, 2009 at the front entrance to the office of William M. Ganong at 514 Walnut Avenue, Klamath Falls, Oregon.
7. Pursuant to ORS 86.753, the Grantors, the Grantors' successor in interest to all or any part of the above described property,

any beneficiary under a subordinate Trust Deed, or any person having a subordinate lien or encumbrance of record on the property, may cure the default or defaults at any time prior to five days before the above said date of sale by paying the entire amount due at the time of cure under the terms of the obligation, other than such portion as would not then be due had no default occurred. In addition, the person affecting the cure shall pay all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the Trustee's and attorney's fees specified in the said statute.

In construing this instrument, 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 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 this 9 day of June, 2009.

  
\_\_\_\_\_  
William M. Garong, Trustee

NOTICE REQUIRED BY THE FAIR DEBT COLLECTION  
PRACTICES ACT, 15 U. S. C. § 1692

This is an attempt to collect a debt and any information obtained will be used for that purpose.

1. The amount of the debt is stated in the Trustee's Notice of Sale attached hereto.
2. The beneficiary named in the attached Trustee's Notice of Sale is the creditor to whom the debt is owed.
3. The debt described in the Trustee's Notice of Sale attached hereto will be assumed to be valid by the trustee unless the debtor, within 30 days after the receipt of this notice, disputes the validity of the debt or some portion of it.
4. If the debtor notifies the trustee in writing within 30 days of receipt of this notice that the debt or any portion thereof is disputed, the trustee will provide verification of the debt, and a copy of the verification will be mailed to the debtor by the trustee.
5. If the creditor named as beneficiary in the attached Trustee's Notice of Sale is not the original creditor, and if the debtor makes a written request to the trustee within 30 days from receipt of this notice, the name and address of the original creditor will be mailed to the debtor by the trustee.
6. Written requests or objections should be addressed to: William M. Ganong, Attorney at Law, 514 Walnut Avenue, Klamath Falls, Oregon 97601.

**NOTICE:**  
**YOU ARE IN DANGER OF LOSING YOUR PROPERTY**  
**IF YOU DO NOT TAKE ACTION IMMEDIATELY**

**This notice is about your mortgage loan on your property at:**

Street address: 2434 Pershing Way  
City: State: ZIP: Klamath Falls OR 97601

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called "foreclosure."

The amount you would have had to pay as of May 22, 2009 to bring your mortgage loan current was \$18,562.81. The amount you must now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call 541-882-7228 to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe. You may also get these details by sending a request by certified mail to: William M. Ganong, Attorney at Law, 514 Walnut Avenue, Klamath Falls, Oregon 97601.

**THIS IS WHEN AND WHERE YOUR PROPERTY**  
**WILL BE SOLD IF YOU DO NOT TAKE ACTION:**

Date: October 27, 2009

Time: 10 a.m.

Place: 514 Walnut Avenue, Klamath Falls, Oregon 97601

**THIS IS WHAT YOU CAN DO TO STOP THE SALE:**

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.

3. You can call William M. Ganong, Attorney at Law at 541-882-7228 to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at **800-SAFENET** or **800-723-3638**. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at **503-684-3763** or toll-free in Oregon at **800-452-7636** or you may visit its website at: **www.osbar.org**. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to **http://www.oregonlawhelp.org**. **WARNING:** You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have any questions, talk to a lawyer or one of the organizations mentioned above before signing.

Trustee name: William M. Ganong, Attorney at Law

Trustee phone number: 541-882-7228

Trustee signature: William M. Ganong Date: June 9, 2009