

After recording return to:

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

2010-003494

Klamath County, Oregon



00081481201000034940080086

03/19/2010 09:32:54 AM

Fee: \$72.00

**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 2009-014421 on November 10, 2009 in the records of the Clerk of Klamath County, Oregon.

On November 16, 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 parties at the following addresses:

Michael Luce
1147 East Street
Klamath Falls OR 97601

Lara Luce
1147 East Street
Klamath Falls OR 97601

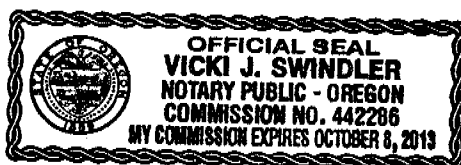
Said persons include: (a) the grantor in the trust deed; (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice; (c) any person or agency having a lien or interest subsequent to the Trust Deed, which lien or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

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 15 day of March, 2010 by Wendy Young.



Vicki Swindler

Notary Public for Oregon

My commission expires: 10-8-2013

TRUSTEE'S NOTICE OF SALE

YOU ARE GIVEN NOTICE THAT:

1. The Beneficiaries have elected to foreclose the Trust Deed described below pursuant to the provisions of Oregon Revised Statutes 86.705 to 86.795 in the manner provided by said statute.

2. The Trust Deed is described as follows:

- A. Name of Grantor: Michael Luce and Lara Luce;
- B. Name of Trustee: Santiam Escrow, Inc.;
- C. Name of Successor Trustee: William M. Ganong;
- D. Names of Beneficiaries: Investors Mortgage Co., an Oregon corporation, and Francis V. Clark and Colleen B. Clark

E. The legal description of the property covered by the subject Trust Deed is:

The South 36.5 feet of the North 121.0 feet of Lots 1 and 2 in Block 12 of HOT SPRINGS ADDITION to Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Klamath County Assessor's Account No.

R-3809-029DD-02800-000 and Property ID No. 371485;

F. The book, page number, and the date the subject Trust Deed was recorded in the Mortgage Records of Klamath County, Oregon are: Book: M05 Page: 50686 Date Recorded: June 30, 2005.

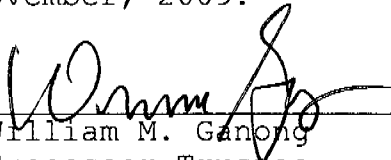
3. The defaults for which the foreclosure is made are the Grantor's failure to pay the monthly installment payments of \$635.44 each due on the 30th day of every month since April 30, 2009; and the collection escrow fee of \$5 per month since April 30, 2009.

4. As of the date of this Notice, the sums owing on the obligation secured by the Trust Deed are: the principal sum of \$67,570.33 with interest at the rate of 9 percent per annum from May 20, 2009 until paid; accruing monthly collection escrow fees in the amount of \$5 each since April 30, 2009; \$360 for the foreclosure guarantee; attorney's fees, trustee's fees, together with any other sums due or that may become due under the Note or by reason of this foreclosure and any further advances made by Beneficiaries as allowed by the Note and Trust Deed.

5. The Successor Trustee will conduct a sale of the above described property at 10 a.m. on the 6th day of April, 2010 at the front entrance to the office of William M. Ganong, 514 Walnut Avenue, Klamath Falls, Oregon.

6. 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.

Dated this 12 day of November, 2009.



William M. Ganong
Successor Trustee

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

1. The amount of the debt is as set forth in the attached documentation or correspondence.
2. The name of the creditor to whom the debt is owed is as stated in the attached documentation or correspondence.
3. Unless you, the consumer, within 30 days after receipt of this Notice, dispute the validity of the debt or any portion thereof, the debt will be assumed to be valid by the undersigned. The undersigned, however, reserves the right to file suit, if none has yet been filed, or to take any other appropriate action to collect the debt within this 30-day period.
4. If you, the consumer, notify the undersigned, in writing, within the 30-day period that the debt, or any portion thereof, is disputed, the undersigned will obtain verification of the debt and a copy of such verification will be mailed to you by the undersigned.
5. Upon your written request within the 30-day period, the undersigned will provide you with the name and address of the original creditor, if such original creditor is different from the current creditor.
6. Written requests should be addressed to William M. Ganong, Attorney at Law, 514 Walnut Avenue, Klamath Falls, Oregon 97601.
7. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.

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: 1145 East Street
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 October 30, 2009 to bring your mortgage loan current was \$4,483.08. 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: April 6, 2010

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.

You may request to meet with your lender to discuss options for modifying your loan. During discussions with your lender, you may have the assistance of a lawyer, a housing counselor or another person of your choosing. To receive a referral to a housing counselor or other assistance available in your community, call this toll-free consumer mortgage foreclosure information number: 800-SAFENET (800-723-3638). Many lenders participate in new federal loan modification programs. You can obtain more information about these programs at: **<http://www.makinghomeaffordable.gov/>**.

IF YOU WANT TO APPLY TO MODIFY YOUR LOAN, YOU MUST FILL OUT AND MAIL BACK THE ENCLOSED "MODIFICATION REQUEST FORM." YOUR LENDER MUST RECEIVE THE FORM BY December 14, 2009, WHICH IS 30 DAYS AFTER THE DATE SHOWN BELOW.

Trustee name: William M. Ganong, Attorney at Law

Trustee phone number: 541.882.7228

Trustee signature:  Date: 11/12/09

AFTER RECORDING, RETURN TO:

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

AFFIDAVIT
AS TO NON-OCCUPANCY

STATE OF OREGON, County of Klamath) ss.

I, Richard H. Marlatt, being first duly sworn, depose, say, and certify that:


I am the original beneficiary in that certain trust deed executed and delivered by Michael Luce and Lara Luce, as grantor, to Santiam Escrow, Inc., as trustee, William M. Ganong, as successor trustee, in favor of Richard H. Marlatt, as beneficiary, dated June 30, 2005, recorded on July 1, 2005 in the records of Klamath County, Oregon in Volume M05 at page 50686, covering the following-described real property situated in the above-mentioned county and state, to-wit:

The South 36.5 feet of the North 121.0 feet of Lots 1 and 2 in Block 12
of HOT SPRINGS ADDITION to Klamath Falls, according to the official
plat thereof on file in the office of the County Clerk of Klamath County,
Oregon.

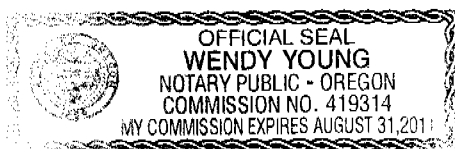
Klamath County Assessor's Account No. R-3809-029DD-02800-000 and
Property ID No. 371485

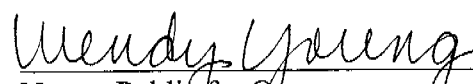
I hereby certify that on November 16, 2009, I personally inspected the above-described
real property and it was not occupied.

Dated this 16 day of March, 2010.


Richard H. Marlatt

SIGNED AND SWORN to before me this 16 day of March, 2010 by Richard H.
Marlatt.




Notary Public for Oregon
My Commission Expires: 8.31.2011