

EOB

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



William M. Ganong, Successor Trustee  
514 Walnut Avenue  
Klamath Falls OR 97601

Trustee's Name and Address

Investors Mortgage Co; Francis V. Clark  
and Colleen B. Clark  
POB 515 Stayton OR 97383

Second Party's Name and Address

After recording, return to (Name, Address, Zip):

William M. Ganong  
514 Walnut Avenue  
Klamath Falls OR 97601

Until requested otherwise, send all tax statements to (Name, Address, Zip):

2010-004566

Klamath County, Oregon



00082740201000045660040048

SPACE RESE 04/15/2010 08:26:22 AM

Fee: \$57.00

FOR  
RECORDER

## TRUSTEE'S DEED

THIS INDENTURE, Dated

April 7, 2010

, between

William M. Ganong, hereinafter called Successor Trustee, ~~hereinafter~~  
~~called trustee~~, and Investors Mortgage Co., an Oregon corporation, Francis V. Clark & Colleen B. Clark

hereinafter called the second party; WITNESSETH:

RECITALS: Michael Luce and Lara Luce

delivered to Santiam Escrow, Inc. original trustee, as grantor, executed and

of Investors Mortgage Co., Francis V. Clark and Colleen B. Clark, as beneficiary, a certain trust deed dated June 30, 2005, recorded on June 30, 2005, in the Records of

Klamath County, Oregon, in ☐ book ☐ reel ☒ volume No. M05 at page 50686, and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. (indicate which). In that trust deed, the real property therein

and hereinafter described was conveyed by the grantor to the trustee to secure, among other things, the performance of certain obligations of the grantor to the beneficiary. The grantor thereafter defaulted in performance of the obligations secured by the trust deed as stated in the notice of default hereinafter mentioned, and such default still existed at the time of the sale hereinafter described.

By reason of the default, the owner and holder of the obligations secured by the trust deed, being the beneficiary therein named, or the beneficiary's successor in interest, declared all sums so secured immediately due and owing. A notice of default containing an election to sell the real property and to foreclose the trust deed by advertisement and sale to satisfy the asserting grantor's obligations was recorded on November 10, 2009, in the Records of Klamath County, in ☒ book ☐ reel ☐ volume No. 2009 at page 014421, and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. (indicate which), to which reference now is made.

After recording the notice of default, the undersigned trustee gave notice of the time for and place of sale of the real property, as fixed by the trustee and as required by law. Copies of the notice of sale were served pursuant to ORCP 7 D. (2) and 7 D. (3), or mailed by both first class and certified mail with return receipt requested, to the last known addresses of the persons or their legal representatives, if any, named in ORS 86.740 (1) and 86.740 (2)(a), at least 120 days before the date the property was sold. A copy of the notice of sale was mailed by first class and certified mail with return receipt requested to the last known address of the fiduciary or personal representative of any person named in ORS 86.740 (1), promptly after the trustee received knowledge of the disability, insanity or death of any such person. Copies of the notice of sale were served in accordance with ORS 86.750(1) upon occupants of the property described in the trust deed at least 120 days before the date the property was sold. If the foreclosure proceedings were stayed and released from the stay, copies of an amended notice of sale in the form required by ORS 86.755 (6) were mailed by registered or certified mail to the last known addresses of those persons listed in ORS 86.740 and 86.750 (1) and to the address provided by each person who was present at the time and place set for the sale which was stayed within 30 days after the release from the stay. The trustee published a copy of the notice of sale in a newspaper of general circulation in each county in which the real property is situated once a week for four successive weeks. The last publication of the notice occurred more than twenty days prior to the date of sale. The mailing, service and publication of the notice of sale are shown by affidavits and/or proofs of service duly recorded prior to the date of sale in the county records, those affidavits and proofs, together with the Notice of Default and Election to Sell and the notice of sale, being now referred to and incorporated in and made a part of this deed as if fully set forth herein. The undersigned trustee has no actual notice of any person, other than the persons named in those affidavits and proofs as having or claiming a lien on or interest in the real property, entitled to notice pursuant to ORS 86.740 (1)(b) or (1)(c).

The true and actual consideration for this conveyance is \$ 76,083.77. (Here comply with ORS 93.030.)

(OVER)



The undersigned trustee, on April 6, 2010, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, (which was the day and hour to which the sale was postponed as permitted by ORS 86.755 (2) ) (which was the day and hour set in the amended notice of sale)\* and at the place so fixed for sale, in full accordance with the laws of the State of Oregon and pursuant to the powers conferred upon the trustee by the trust deed, sold the real property in one parcel at public auction to the second party for the sum of \$ 76,083.77, the second party being the highest and best bidder at the sale, and that sum being the highest and best bid for the property.

NOW, THEREFORE, in consideration of that sum so paid by the second party in cash, the receipt whereof is acknowledged, and by the authority vested in the trustee by the laws of the State of Oregon and by the trust deed, the trustee does hereby convey unto the second party all interest which the grantor had or had the power to convey at the time of grantor's execution of the trust deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the trust deed in and to the following described real property, 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

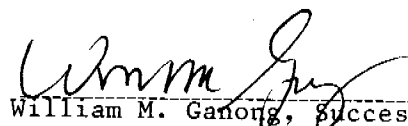
\*\* The original beneficiary, Richard H. Marlatt assigned his beneficial interest in this Trust Deed to Investors Mortgage Co., an Oregon corporation via instrument recorded on July 1, 2005 in Volume M05, Page 50688 of records of Klamath County, Oregon. Investors Mortgage Co., an Oregon corporation assigned a collateral security interest in said Trust Deed to Francis V. Clark and Colleen B. Clark via instrument recorded on August 2, 2005 in Volume M05, Page 60191 of the records of Klamath County, Oregon.

TO HAVE AND TO HOLD the same unto the second party and the second party's heirs, successors in interest and assigns forever.

In construing this instrument, and whenever the context so requires, the singular includes the plural; "grantor" includes any successor in interest to the grantor, as well as each and every other person owing an obligation, the performance of which is secured by the trust deed; "trustee" includes any successor trustee; "beneficiary" includes any successor in interest of the beneficiary first named above; and "person" includes a corporation and any other legal or commercial entity.

IN WITNESS WHEREOF, the undersigned trustee has hereunto executed this document. If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

~~BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.~~

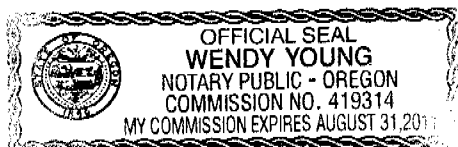
  
William M. Ganong, Successor Trustee


\* Delete words in parentheses if inapplicable.

STATE OF OREGON, County of Klamath ) ss.

This instrument was acknowledged before me on April 7, 2010  
by William M. Ganong, Successor Trustee

This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_



  
Notary Public for Oregon  
My commission expires 8.31.2011

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

CERTIFICATE OF NON-MILITARY SERVICE

STATE OF OREGON, County of Klamath) ss.

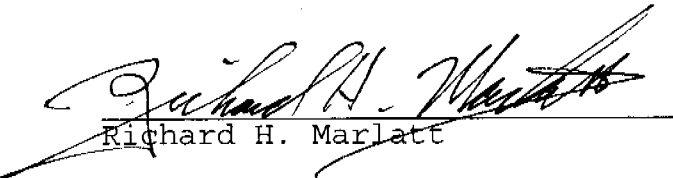
I, Richard H. Marlatt, state that based on the information set forth below, I believe that at no time during the foreclosure of the Trust Deed described in the Trustee's Deed to which this Certificate is attached were either Michael Luce or Lara Luce in the military service as defined in Article I of the "Soldiers' and Sailors' Civil Relief Act of 1940," as amended.

On or about June 30, 2005, I sold the real property described on the Trustee's Deed to Mr. and Mrs. Luce. At that time, neither Michael Luce or Lara Luce were in the military service. As partial consideration for the sale of the property, Mr. and Mrs. Luce made and delivered to me their Promissory Note and Trust Deed. Thereafter, I assigned the Note and my beneficial interest in the Trust Deed to Investors Mortgage Co. However, I retained responsibility for monitoring the Luces' compliance with the terms of the Note and Trust Deed.

At various times, the Luces were in default of the Note, and I spoke with them. Mr. Luce advised me that he was employed as a special education teacher by the local school district. Following the defaults described in the Trustee's Notice of Sale referenced in the Trustee's Deed, the Luces moved to California where Michael Luce began employment as a school teacher.


At no time did either Michael Luce or Lara Luce indicate in any manner that either of them was in the military service. At no time did I observe anything on or about them or the property indicating that either of them is or was in the military service.

Dated this 8<sup>th</sup> day of April, 2010.

  
Richard H. Marlatt

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on April 8, 2010 by Richard H. Marlatt.

  
Notary Public for Oregon  
My Commission Expires: 10-8-13

