

Record & Counter

2012-003842

Klamath County, Oregon



00116608201200038420070079

04/12/2012 01:35:35 PM

Fee: \$67.00

After recording, return to:
William M. Ganong
Attorney at Law
514 Walnut Avenue
Klamath Falls OR 97601

Send tax statements to:
Sally Ann Marshall, Trustee
2625 Nile Street
Klamath Falls OR 97603

Other Parties to Document:
Brad Alan Polly
4721 Memorie Lane
Klamath Falls OR 97603

Becky Irene Polly
4721 Memorie Lane
Klamath Falls OR 97603

AFFIDAVIT OF FORFEITURE
ORS 93.930

STATE OF OREGON, County of Klamath) ss.

I, William M. Ganong, being first duly sworn, depose and say as follows:

1. On February 13, 2012, I caused to be recorded in Book 2012 at Page 001565 of the Records of the Clerk of Klamath County, Oregon, an Affidavit of Mailing ORS 93.905 (2) and a Notice of Default pursuant to ORS 93.905 - 93.940 of the Contract of Sale between Sally Ann Marshall, Trustee of the Marshall Living Trust, as seller, and Brad Alan Polly and Becky Irene Polly, husband and wife, purchasers, recorded November 7, 2005, in Volume M05 at Page 68471 of the records of said county. Copies of said Affidavit of Mailing and Notice of Default are attached hereto.

2. The default of the purchasers under the Contract described in said Notice of Default was not cured within the time period provided in ORS 93.915, and the Contract described in said Notice of Default is declared to be forfeited.

3. Pursuant to the terms of the Contract and to Oregon statute, Sally Ann Marshall, Trustee of Marshall Living Trust, is declared to be the owner of the following-described real property in Klamath County, Oregon:

Lot 24, Block 120, Klamath Falls Forest Estates, Highway 66, Unit 4
Tax Account No. R465981

Lot 25, Block 120, Klamath Falls Forest Estates, Highway 66, Unit 4
Tax Account No. R465990

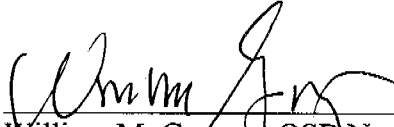
Lot 26, Block 120, Klamath Falls Forest Estates, Highway 66, Unit 4
Tax Account No. R466007

Street address: 33669 Jaguar Lane, Bonanza, Oregon 97623

free and clear of the interest of the Contract purchasers named in said Notice of Default and of anyone claiming by or under them.

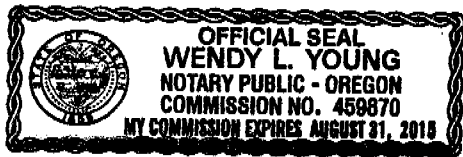
4. The Certificate of Non-Military Service of Sally Ann Marshall is attached hereto.

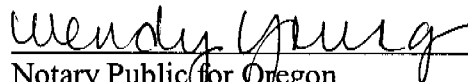
Dated this 12th day of April 2012.



William M. Ganong, OSB No. 78213
Attorney for Seller

This instrument was acknowledged before me on April 12, 2012 by William M. Ganong.





Wendy L. Young
Notary Public for Oregon
My Commission Expires: 8.31.2015

2012-001565

Klamath County, Oregon

AFTER RECORDING RETURN TO:

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



02/13/2012 10:00:34 AM

Fee: \$52.00

AFFIDAVIT OF MAILING NOTICE OF DEFAULT

STATE OF OREGON, County of Klamath) ss.

I, Wendy Young, under oath, state as follows:

1. Attached as Exhibit A is a true and correct copy of the Notice of Default pertaining to the contract described therein (Contract).
2. The Contract contains a "forfeiture remedy" as defined in ORS 93.905(2).
3. On February 8, 2012, I mailed the Notice of Default by both first-class and certified mail with return receipt requested by depositing true, full, and exact copies thereof in the United States Mail at Klamath Falls, Oregon addressed to the following parties at their last-known addresses:
 - 3.1 Brad Alan Polly
4721 Memorie Lane
Klamath Falls OR 97603

Becky Irene Polly
4721 Memorie Lane
Klamath Falls OR 97603

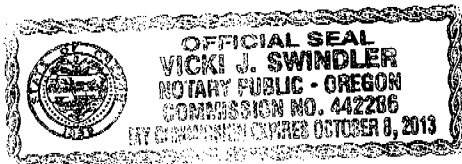
Pacific Crest Federal Credit Union
2972 Washburn Way
Klamath Falls OR 97603
4. I make this affidavit as secretary to and under the direction of William M. Ganong, who is the attorney for Sally Ann Marshall, 2625 Nile Street, Klamath Falls, Oregon 97603.

Dated this 8 day of February 2012.

Wendy Young
Wendy Young, Secretary to
William M. Ganong

Signed and sworn to before me this 8 day of February 2012 by Wendy Young.

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



NOTICE OF DEFAULT

This Notice of Default is given with respect to the contract described below, which contains a forfeiture remedy, pursuant to the provisions of ORS 93.905-93.940.

1. Description of Contract. Contract of Sale (Contract) between Sally Ann Marshall, Trustee of Marshall Living Trust, as Seller, and Brad Alan Polly and Becky Irene Polly, husband and wife, as Purchaser, which was recorded on November 7, 2005 in Volume M05 at Page 68471 of the Official Records of Klamath County, Oregon.

2. Property. The property which is the subject of the Contract is more particularly described as follows:

Lot 24, Block 120, Klamath Falls Forest Estates, Highway 66, Unit 4 Tax Account No. R465981

Lot 25, Block 120, Klamath Falls Forest Estates, Highway 66, Unit 4 Tax Account No. R465990

Lot 26, Block 120, Klamath Falls Forest Estates, Highway 66, Unit 4 Tax Account No. R466007

Street address: 33669 Jaguar Lane, Bonanza, Oregon 97623

3. Nature of Defaults. The defaults consist of Purchasers' failure to pay the 2009-2010 and 2010-2011 real property taxes before they became delinquent; Purchasers' failure to make the monthly installment payments of \$600 each due on the 1st day of each month, with the last payment being made on September 1, 2011, and no payment since then; and Purchaser's failure to insure and keep insured all buildings now on the property against loss or damage by fire, according to the terms of the Contract.

4. Date Contract Will Be Forfeited. The Contract will be forfeited if the default is not cured by April 12, 2012.

5. How to Cure Default. The default will be cured if by April 12, 2012 the following occur:

5.1 By paying the monthly installment payments of \$600 each for the months commencing October 1, 2011 and continuing until cured; by paying real property taxes of \$1,581.11 plus interest and penalties; and by purchasing fire and casualty insurance in an amount not less than the principal balance of said Contract subject to this forfeiture action.

5.2 By paying the additional sum of \$898 for forfeiture costs and fees to William M. Ganong, the attorney for Seller, at the address set forth above. This sum consists of the following:

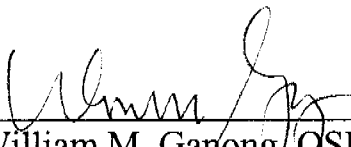
5.2.1 Title search	\$348.00
5.2.2 Recording fees	\$150.00
5.2.3 Mailing fees	\$ 50.00
5.2.4 Attorney Fees	\$350.00

6 Name and Address of Attorney for Seller.

William M. Ganong, OSB No. 78213
Attorney at Law
514 Walnut Avenue
Klamath Falls OR 97601
541.882.7228 - office 541.883.1923 - fax
E-Mail: wganong@aol.com

7. Date Notice Mailed. This notice is being deposited in both first-class and certified mail with return receipt requested on February 8, 2012.

8. This is an attempt to collect a debt and any information received from you will be used for that purpose.



William M. Ganong, OSB No. 78213
Attorney for Seller

Federal law gives you thirty days after you receive this letter to dispute the validity of the debt or any part of it. If you do not dispute it within that time period, I will assume that it is valid. If you do dispute it by notifying me in writing to that effect, I will, as required by law, obtain and mail proof of the debt to you. If within the same time period you request in writing the name and address of your original creditor, if your original creditor is different from the current creditor, I will furnish you with that information. The law does not require me to wait until the end of the thirty-day period before beginning any foreclosure action to collect this debt. If, however, you request proof of the debt or the name and address of the original creditor within the thirty-day period, which begins with your receipt of this letter, the law requires me to suspend my efforts to collect the debt until I mail the requested information to you. A notice of your rights under the Fair Debt Collection Practices Act is attached hereto.

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.

CERTIFICATE OF NON-MILITARY SERVICE

STATE OF OREGON, County of Klamath) ss.

THIS IS TO CERTIFY That I am the Seller under that certain Contract of Sale between Sally Ann Marshall, Trustee of Marshall Living Trust, and Brad Alan Polly and Becky Irene Polly, husband and wife, as Purchasers of certain real property in Klamath County, Oregon more particularly described in said Contract of Sale, which was recorded on November 7, 2005 in Volume M05 at Page 68471 of the Official Records of Klamath County, Oregon. I reasonably believe that at no time during the period of three months and one day immediately preceding April 12, 2012, was the real property described in and covered by said Contract of Sale, or any interest therein, owned by a person in the military service as defined in Article I of the "Soldiers' and Sailors' Civil Relief Act of 1940", as amended, nor by a minor or incapacitated person. In addition, during the same time period, the subject real property was not occupied.

Dated this 12 day of April, 2012.

Sally Ann Marshall Trustee
Sally Ann Marshall, Trustee of the Marshall
Living Trust

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on April 12, 2012 by Sally Ann Marshall, in her capacity as Trustee of the Marshall Living Trust.

Wendy Young
Notary Public for Oregon
My Commission Expires: 8.31.2015

