

2014-008335

Klamath County, Oregon



00157193201400083350130132

08/11/2014 01:43:10 PM

Fee: \$107.00

2014-007870

Klamath County, Oregon



00156618201400078700130138

07/29/2014 10:07:39 AM

Fee: \$102.00

After recording return to:

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

**** RE-RECORDED TO CORRECT A REFERENCE NUMBER**

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
AND NOTICE REQUIRED BY ORS 86.756**

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 2014-000910 on January 31, 2012~~ in the records of the Clerk of Klamath County, Oregon. ** Book 2014-002279 on March 18, 2014

On March 14, 2014, I deposited with the United States Postal Service at Klamath Falls, Oregon, sealed envelopes containing the Notice required by ORS 86.756, copies of which are attached hereto. I mailed one such envelope by First Class Mail and one such envelope by Certified Mail with Return Receipt Requested, postage prepaid, from Klamath Falls, Oregon addressed to:

Bobbie Ray Wheeler
Big Wheel's Automotive
2704 Summers Lane
Klamath Falls OR 97603

Said person is the grantor in the trust deed, and the address shown above is the last known address of said party.

On March 17, 2014, 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 with an attached Fair Debt Collection Practices Act Notice, copies of which are attached hereto. I mailed one such envelope by First Class Mail and one such envelope by Certified Mail with Return Receipt Requested, postage prepaid, from Klamath Falls, Oregon addressed to:

Bobbie Ray Wheeler
2704 Summers Lane
Klamath Falls OR 97603

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

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE
OF SALE AND DANGER NOTICE - 1

Klamath Irrigation District
6640 KID Lane
Klamath Falls OR 97603

Big Wheel's Automotive
2704 Summers Lane
Klamath Falls OR 97604

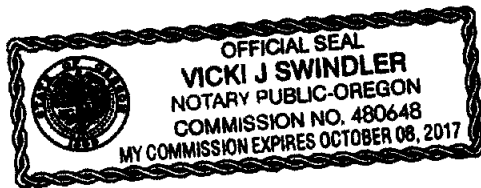
State of Oregon, Employment Department
875 Union Street, NE, Room 107
Salem OR 97311

Aaron Buchheim
2704 Summers Lane
Klamath Falls OR 97603

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 22 day of July 2014 by Wendy Young.



Vicki Swindler
Notary Public for Oregon
My commission expires: 10-8-17

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: 2704 Summers Lane

City: Klamath Falls State: Oregon ZIP: 97603

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 March 1, 2014 (date) to bring your mortgage loan current was \$ 14,640.99. 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 can call 541-882-7228 (phone number) 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, OR 97601

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

Date and time: August 13, 2014 at 10 a. m. Pacific Standard Time.

Place: front entrance to the office of William M. Ganong, Attorney at Law,
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 any time before the sale.
3. You can call William M. Ganong (name) at 5418827228 (phone number) 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.

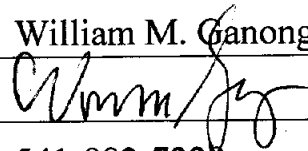
There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and phone number of an organization near you, call the statewide phone contact number at **800-SAFENET (800-723-3638)**. You may also want to talk to a lawyer. If you need help finding a lawyer, call the Oregon State Bar's Lawyer Referral Service at **503-684-3763** or toll-free in Oregon at **800-452-7636** or 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 saying they can help you keep your property. Be careful about those offers. Make sure you understand any papers you are asked to sign. If you have questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: March 14, 2014

Trustee name (print): William M. Ganong, Attorney at Law

Trustee signature:



Trustee phone number:

541-882-7228

TRUSTEE'S NOTICE OF SALE

The Beneficiary has elected to foreclose the Trust Deed described below pursuant to the provisions of Oregon Revised Statutes 86.705 to 86.795.

1. The Trust Deed is described as follows:

A. Name of Grantor: Big Wheel's Automotive – Bobbie R. Wheeler

B. Name of Trustee: First American Title

C. Name of Successor Trustee: William M. Ganong
Attorney at Law

D. Mailing Address of Successor Trustee: 514 Walnut Avenue
Klamath Falls OR 97601

E. Name of Beneficiary: Gary A. Putnam and Laura E. Putnam

2. The legal description of the property covered by the subject Trust Deed is described on Exhibit "A" attached hereto and incorporated herein by this reference.

Klamath County Assessor's Account Nos.	R-3909-003DD-00900 and R 529770;
	R-3909-003DD-00200 and R529707;
	R-3909-003DA-02100 and R528566;
	R3903-003DA-02200 and R528575; and
	R-3909-003DA-02300 and R871906

More commonly referred to as 2704 Summers Lane, Klamath Falls, Oregon 97603

3. The volume, page number, and date of the mortgage records that record the Trust Deed are: September 18, 2012 as Document No. 2012-010346 of the Official Records of the Clerk of Klamath County, Oregon.

4. The defaults for which the foreclosure is made are Grantor's failure to pay the real property taxes assessed against the real property described above for the tax years 2012-2013 before they became delinquent; Grantor's failure to pay the monthly installment payments of \$1,207.11 due on the 14th day of every month since December 14, 2013; failure of the Grantor to provide proof of insurance as required by the Trust Deed; and Grantor's failure to pay late payment fees of \$25 each for each month since December 2013.

5. As of the date of this Notice, the sums owing on the obligation secured by the Trust Deed are:

The principal balance of the Promissory Note of \$223,088.58, plus interest thereon at the rate of 5.0 percent from December 9, 2013 until paid; three late fees as of this date of \$25 each, for a total to date of \$75; \$763 for the foreclosure guarantee; and 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 advances made by the Beneficiary as allowed by the Note and Trust Deed.

6. The real property described above will be sold to satisfy the obligations.

7. The Successor Trustee will conduct the sale at 10 a.m. on the 13th day of August 2014 at the

front entrance to the office of William M. Ganong, Attorney at Law, at 514 Walnut Avenue, Klamath Falls, Oregon.

8. The right exists under ORS 86.753 to have the proceeding dismissed and the Trust Deed reinstated by paying the entire amount then due, together with costs, trustee's fees, and attorney fees, and by curing any other default complained of in the Notice of Default, at any time that is not later than five days before the date last set for the sale.

NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for August 13, 2014. The date of this sale may be postponed. Unless the lender that is foreclosing on this property is paid before the sale date, the foreclosure will go through and someone new will own this property. After the sale, the new owner is required to provide you with contact information and notice that the sale took place.

The following information applies to you only if you are a bona fide tenant occupying and renting this property as a residential dwelling under a legitimate rental agreement. The information does not apply to you if you own this property or if you are not a bona fide residential tenant.

If the foreclosure sale goes through, the new owner will have the right to require you to move out. Before the new owner can require you to move, the new owner must provide you with written notice that specifies the date by which you must move out. If you do not leave before the move-out date, the new owner can have the sheriff remove you from the property after a court hearing. You will receive notice of the court hearing.

PROTECTION FROM EVICTION

IF YOU ARE A BONA FIDE TENANT OCCUPYING AND RENTING THIS PROPERTY AS A RESIDENTIAL DWELLING, YOU HAVE THE RIGHT TO CONTINUE LIVING IN THIS PROPERTY AFTER THE FORECLOSURE SALE FOR:

- **THE REMAINDER OF YOUR FIXED TERM LEASE, IF YOU HAVE A FIXED TERM LEASE; OR**
- **AT LEAST 90 DAYS FROM THE DATE YOU ARE GIVEN A WRITTEN TERMINATION NOTICE.**

If the new owner wants to move in and use this property as a primary residence, the new owner can give you written notice and require you to move out after 90 days, even though you have a fixed term lease with more than 90 days left.

You must be provided with at least 90 days' written notice after the foreclosure sale before you can be required to move.

A bona fide tenant is a residential tenant who is not the borrower (property owner) or a child, spouse or parent of the borrower, and whose rental agreement:

- **Is the result of an arm's-length transaction;**
- **Requires the payment of rent that is not substantially less than fair market rent for the property, unless the rent is reduced or subsidized due to a federal, state or local subsidy; and**
- **Was entered into prior to the date of the foreclosure sale.**

ABOUT YOUR TENANCY

**BETWEEN NOW AND THE FORECLOSURE
SALE: RENT**

YOU SHOULD CONTINUE TO PAY RENT TO YOUR LANDLORD UNTIL THE PROPERTY IS SOLD OR UNTIL A COURT TELLS YOU OTHERWISE. IF YOU DO NOT PAY RENT, YOU CAN BE EVICTED. BE SURE TO KEEP PROOF OF ANY PAYMENTS YOU MAKE.

SECURITY DEPOSIT

You may apply your security deposit and any rent you paid in advance against the current rent you owe your landlord as provided in ORS 90.367. To do this, you must notify your landlord in writing that you want to subtract the amount of your security deposit or prepaid rent from your rent payment. You may do this only for the rent you owe your current landlord. If you do this, you must do so before the foreclosure sale. The business or individual who buys this property at the foreclosure sale is not responsible to you for any deposit or prepaid rent you paid to your landlord.

**ABOUT YOUR TENANCY
AFTER THE FORECLOSURE SALE**

The new owner that buys this property at the foreclosure sale may be willing to allow you to stay as a tenant instead of requiring you to move out after 90 days or at the end of your fixed term lease. After the sale, you should receive a written notice informing you that the sale took place and giving you the new owner's name and contact information. You should contact the new owner if you would like to stay. If the new owner accepts rent from you, signs a new residential rental agreement with you or does not notify you in writing within 30 days after the date of the foreclosure sale that you must move out, the new owner becomes your new landlord and must maintain the property. Otherwise:

- You do not owe rent;**
- The new owner is not your landlord and is not responsible for maintaining the property on your behalf; and**
- You must move out by the date the new owner specifies in a notice to you.**

The new owner may offer to pay your moving expenses and any other costs or amounts you and the new owner agree on in exchange for your agreement to leave the premises in less than 90 days or before your fixed term lease expires. You should speak with a lawyer to fully understand your rights before making any decisions regarding your tenancy.

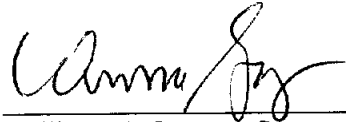
IT IS UNLAWFUL FOR ANY PERSON TO TRY TO FORCE YOU TO LEAVE YOUR DWELLING UNIT WITHOUT FIRST GIVING YOU WRITTEN NOTICE AND GOING TO COURT TO EVICT YOU. FOR MORE INFORMATION ABOUT YOUR RIGHTS, YOU SHOULD CONSULT A LAWYER. If you believe you need legal assistance, contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you do not have enough money to pay a lawyer and are otherwise eligible, you may be able to receive legal assistance for free. Information about whom to contact for free legal assistance is included with this notice.

Contact information for the Oregon State Bar: 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 Web site at: www.osbar.org.

Contact information for an organization that provides legal help to individuals at no charge to the individual: Legal Aid Service of Oregon (LASO) 403 Pine Street, Suite 250, Klamath Falls, Oregon 97601, telephone: 541.273-0533 or 1.800.480.9160, website: www.oregonlawhelp.org.

Dated this 17 day of March 2014.



William M. Ganong, Successor Trustee
Attorney at Law
514 Walnut Avenue
Klamath Falls OR 97601
541-882-7228 or
toll free: 877-641-1963

Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

All that portion of Tract No. 7 of TOWNSEND TRACTS, lying South of the irrigation ditch as now constructed East and West across said tract, being a parcel of land approximately 50 feet in width and 270.3 feet in length.

Tax Acct No: 3909-003DD-00200 Key No: 529707

Lot 8 of Townsend Tracts, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Tax Acct No: 3909-003DD-00900 Key No: 529770

Tract No. 6, TOWNSEND TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Tax Acct No: 3909-003DA-02100 Key No: 528566

Lot 7 of TOWNSEND TRACTS, less that portion lying South of the irrigation ditch as now constructed East and West across said Tract, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Tax Acct No: 3909-003DA-02200 Key No: 528575

A parcel in the SE1/4 of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Western right of way boundary of Summers Lane which is 13.49 feet South of the center line of Grantor's railroad right of way as described in Klamath County Deed Record Book 49 Page 472; said point being North 1,376.38 feet and West 30.0 feet from the Southeast corner of said Section 3; thence running North 58° 31' West, parallel to said railroad right of way center line, a distance of 279.57 feet; thence running South 45.14 feet to the Southern edge of said railroad right of way; thence running South 58° 31' East along said Southern edge a distance of 279.57 feet to the Western right of way boundary of Summers Lane; thence running North 45.14 feet along said Western right of way boundary of Summers Lane to the point of beginning.

Tax Acct No: 3909-003DA-02300 Key No. 871906

Tax Parcel Number: R529770 and R529707 and R528566 and R528575 and R871906

**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.

**AFFIDAVIT OF PUBLICATION
STATE OF OREGON,
COUNTY OF KLAMATH**

I, Linda Culp, Human Resources, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#15743 SALE WHEELER TRUSTEE'S NOTICE OF SALE a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

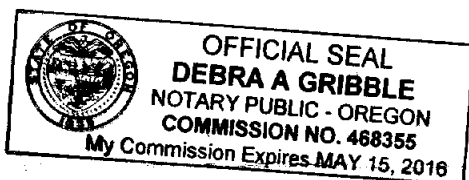
Insertion(s) in the following issues:

06/18/2014 06/25/2014 07/02/2014 07/09/2014

Total Cost: \$1359.80

Linda Culp
Subscribed and sworn by Linda Culp before me on:
9th day of July in the year of 2014

Debra A Gribble
Notary Public of Oregon
My commission expires on May 15, 2016



TRUSTEE'S NOTICE OF SALE

The Beneficiary has elected to foreclose the Trust Deed described below pursuant to the provisions of Oregon Revised Statutes 86.705 to 86.795.

1. The Trust Deed is described as follows:

- A. Name of Grantor: Big Wheel's Automotive - Bobbie R. Wheeler
- B. Name of Trustee: First American Title
- C. Name of Successor Trustee: William M. Ganong, Attorney at Law
- D. Mailing Address of Successor Trustee: 514 Walnut Avenue, Klamath Falls, OR 97601
- E. Name of Beneficiary: Gary A. Putnam and Laura E. Putnam

2. The legal description of the property covered by the subject Trust Deed is described on Exhibit "A" attached hereto and incorporated herein by this reference.

Klamath County Assessor's Account Nos.
R-3909-003DD-00900 and R-529770; R-3909-003DD-00200 and R529707; R-3909-003DA-02100 and R528566; R3903-003DA-02200 and R528575; and R-3909-003DA-02300 and R871906
More commonly referred to as 2704 Summers Lane, Klamath Falls, Oregon 97603

EXHIBIT "A"

Real property in the County of Klamath, State of Oregon, described as follows:

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Tax Acct No: 3909-003DA-02100 Key No: 528566

Lot 7 of TOWNSEND TRACTS, less that portion lying South of the irrigation ditch as now constructed East and West across said Tract, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Tax Acct. No: 3909-003DA-02200 Key No: 528575

A parcel in the SE1/4 of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

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Tax Acct No: 3909-003DA-02300 Key No. 871906

Tax parcel Number: R529770 and R529707 and R528566 and R528575 and R871906

3. The volume, page number, and date of the mortgage records that record the Trust Deed are: September 18, 2012 as Document No. 2012-010346 of the Official Records of the Clerk of Klamath County, Oregon.

4. The defaults for which the foreclosure is made are Grantor's failure to pay the real property taxes assessed against the real property described above for the tax years 2012-2013 before they become delinquent; Grantor's failure to pay the monthly installment payments of \$1,207.11 due on the 14th day of every month since December 14, 2013; failure of the Grantor to provide proof of insurance as required by the Trust Deed; and Grantor's failure to pay late payment fees of \$25 each for each month since December 2013.

5. As of the date of this Notice, the sums owing on the obligation secured by the Trust Deed are:

The principal balance of the Promissory Note of \$223,088.56, plus interest thereon at the rate of 5.0 percent from December 9, 2013 until paid; three late fees as of this date of \$25 each, for a total to date of \$75; \$763 for the foreclosure guarantee; and 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 advances made by the Beneficiary as allowed by the Note and Trust Deed.

6. The real property described above will be sold to satisfy the obligations.

7. The Successor Trustee will conduct the sale at 10 a.m. on the 13th day of August 2014 at the front entrance to the office of William M. Ganong, Attorney at Law, at 514 Walnut Avenue, Klamath Falls, Oregon.

8. The right exists under ORS 86.753 to have the proceedings dismissed and the Trust Deed reinstated by paying the entire amount then due, together with costs, trustee's fees, and attorney fees, and by curing any other default complained of in the Notice of Default, at any time that is not later than five days before the date last set for the sale.

Dated this 17th day of March 2014.

William M. Ganong, Successor Trustee

Attorney at Law

514 Walnut Avenue, Klamath Falls OR 97601

541-882-7228 or toll free: 877-841-1963

#15743 June 14, 25, July 02, 09, 2014.

KLAMATH COUNTY SHERIFF'S OFFICE
RETURN OF SERVICE

State of Oregon
County of Klamath

Court Case No.
Sheriff's Case No. A14000798

Received for Service 3/27/2014

I hereby certify that I received for service on

THE PROPERTY AT 2704 SUMMERS LANE, KLAMATH FALLS, OREGON 97603

THE WITHIN TRUSTEE'S NOTICE OF SALE:

ON 3/27/2014 AT 1210 HOURS, DEPUTY WEBER WENT TO THE LOCATION OF 2704 SUMMERS LANE, KLAMATH FALLS, OREGON 97603. DEPUTY WEBER WAS ABLE TO PERSONALLY SERVE GILBERT VALENTINE, DOB 10/10/1964 AND JESSICA WICKSTROM, DOB 9/11/1991. HE THEN POSTED THE NOTICE OF SALE AT FOUR RESIDENTIAL BUILDINGS ON THE PROPERTY.

ON 5/12/2014, DEPUTY MITCHELL WENT TO 2704 SUMMERS LANE TO EFFECT SERVICE. HE PERSONALLY SERVED GERALD SCHACKLEFORD, DOB 5/12/1965, AARON MICHAEL BUCHHEIM, DOB 1/24/1975, RACHELL BUCHHEIM, DOB 7/31/1987 AND NICHOLAS MOOREM DOB 10/8/1978. HE ALSO POSTED COPIES OF THE TRUSTEE'S NOTICE OF SALE ON SIX BUILDINGS ON THE PROPERTY.

ON 5/14/2014 AT 1300 HOURS, DEPUTY MITCHELL WENT TO 2704 SUMMERS LANE, KLAMATH FALLS, OREGON 97603. HE PERSONALLY SERVED JESSICA WICKSTROM, DOB 9/11/1991, AARON MICHAEL BUCHHEIM, DOB 1/24/1975, GERALD SCHACKELFORD, DOB 5/12/1965 AND RACHAEL BUCHHEIM, DOB 7/31/1987. DEPUTY MITCHELL ALSO POSTED COPIES OF THE TRUSTEE'S NOTICE OF SALE ON SEVEN BUILDINGS ON THE PROPERTY.

On 5/14/2014, A COPY OF THE TRUSTEE'S NOTICE OF SALE WAS SENT BY FIRST CLASS MAIL TO OCCUPANTS AT 2704 SUMMERS LANE, KLAMATH FALLS, OREGON 97603.

All search and service was made within Klamath County, State of Oregon.

Frank Skrah, Sheriff
Klamath County, Oregon

Dated: 5/14/2014

By 

Copy to:
WILLIAM GANONG
514 WALNUT AVENUE
KLAMATH FALLS, OR 97601