

2014-008641

Klamath County, Oregon

After recording return to:

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



00157565201400086410110119

08/19/2014 10:41:26 AM

Fee: \$92.00

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**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 Trustee's Notice of Default and Election to Sell recorded in Book 2014-002900 on April 4, 2014 in the records of the Clerk of Klamath County, Oregon.

On April 4, 2014, I deposited with the United States Postal Service at Klamath Falls, Oregon, sealed envelopes containing the Notice required by ORS 86.756, 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, from Klamath Falls, Oregon addressed to:

David M. Cook  
862 California Avenue  
Klamath Falls OR 97601

David M. Cook  
4446 Winter Avenue  
Klamath Falls OR 97603

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

On April 7, 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:

David M. Cook  
Post Office Box 1471  
Klamath Falls OR 97601

David M. Cook  
4446 Winter Avenue  
Klamath Falls OR 97603

David M. Cook  
862 California Avenue  
Klamath Falls OR 97601

Nancy C. Hitchcock  
1430 NE Grable Drive  
Grants Pass OR 97526

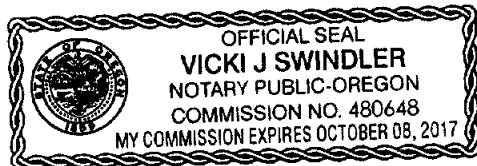
AFFIDAVIT OF MAILING TRUSTEE'S NOTICE  
OF SALE AND DANGER NOTICE - 1

James D. Hitchcock  
1430 NE Grable Drive  
Grants Pass OR 97526

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

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

This instrument was acknowledged before me on the 15<sup>th</sup> day of August 2014 by Wendy Young.



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

AFFIDAVIT OF SERVICE  
OF TRUSTEE'S NOTICE OF SALE  
(NON-OCCUPANCY)

STATE OF OREGON, County of Klamath) ss.

I, William M. Ganong, being first duly sworn, depose, say, and certify that:

I am the successor trustee of that certain trust deed executed and delivered by David M. Cook, as Grantor, to First American Title, trustee, in favor of Irene Barry, Trustee of the Barry Family Trust, as beneficiary, dated July 16, 2012, and recorded on July 20, 2012 in the records of Klamath County, Oregon as Document No. 2012-007963, covering the following-described real property situated in the above-mentioned county and state, to-wit:

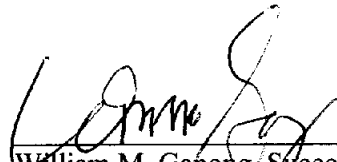
Lot 13, Block 107, BUENA VISTA ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Klamath County Assessor's Parcel No. R-3809-032BB-06200 and  
Property ID No. R832861

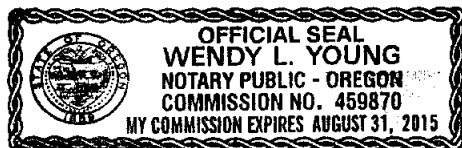
More commonly referred to as 862 California Avenue, Klamath Falls, Oregon 97601.

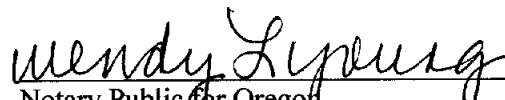
I hereby certify that at the time this foreclosure was commenced, the property was not occupied.

Dated this 15 day of August 2014.

  
\_\_\_\_\_  
William M. Ganong, Successor Trustee

SIGNED AND SWORN to before me this 15 day of August 2014 by William M. Ganong,  
Successor Trustee.



  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 8.31.2015

**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#15769 SALE COOK

**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:

06/27/2014 07/04/2014 07/11/2014 07/18/2014

Total Cost: \$825.90

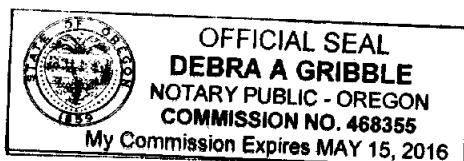
*Linda Culp*

Subscribed and sworn by Linda Culp before me on:  
18th 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: David M. Cook
- 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: Irene Barry, Trustee of the Barry Family Trust

**2. The legal description of the property covered by the subject Trust Deed is described as:**

Lot 13, Block 107, BUENA VISTA ADDITION to the City of 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 Parcel No. R-3809-032BB-06200 and Property ID No. R-3809-032BB-06200 and Property ID No. R832861

**3. The volume, page number, and date of the mortgage records that record the Trust Deed are:**  
Document No. 2012-007963, records of Klamath County, Oregon on July 20, 2012.

4. The defaults for which the foreclosure is made are Grantor's failure to pay the principal balance of the Note in the amount of \$90,000, which was due and payable in full on July 20, 2013, plus interest thereon at the rate of 12.0% per annum from January 19, 2013 until paid; Grantor's failure to pay six late payment charges of \$50 each; and 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.

**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 \$90,000, plus interest thereon at the rate of 12 percent per annum from January 19, 2013 until paid; six late payment charges of \$50 each, totaling \$300; \$420 for the foreclosure guarantee; and attorney's fees and 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 28<sup>th</sup> 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's 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 4<sup>th</sup> day of April 2014.

/s/William M. Ganong, Successor Trustee  
Attorney at Law

514 Walnut Avenue, Klamath Falls, OR 97601  
541-882-7228 or toll free: 877-641-1963  
#15769 June 27, July 04, 11, 18, 2014.

**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: 862 California Avenue

City: Klamath Falls State: Oregon ZIP: 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 March 31, 2014 (date) to bring your mortgage loan current was \$ 104,393.22. 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 28, 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.

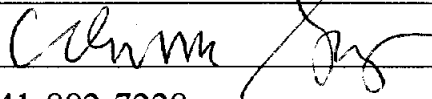
There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and phone number of an organization near you, call the statewide phone contact number at **800-SAFENET (800-723-3638)**. You may also want to talk to 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: April 1, 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: David M. Cook
- 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: Irene Barry, Trustee of the Barry Family Trust

2. The legal description of the property covered by the subject Trust Deed is described as:

Lot 13, Block 107, BUENA VISTA ADDITION to the City of 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 Parcel No. R-3809-032BB-06200 and  
Property ID No. R832861

3. The volume, page number, and date of the mortgage records that record the Trust Deed are: Document No. 2012-007963, records of Klamath County, Oregon on July 20, 2012.

4. The defaults for which the foreclosure is made are Grantor's failure to pay the principal balance of the Note in the amount of \$90,000, which was due and payable in full on July 20, 2013, plus interest thereon at the rate of 12.0% per annum from January 19, 2013 until paid; Grantor's failure to pay six late payment charges of \$50 each; and 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.

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 \$90,000, plus interest thereon at the rate of 12 percent per annum from January 19, 2013 until paid; six late payment charges of \$50 each, totaling \$300; \$420 for the foreclosure guarantee; and attorney's fees and 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 28th 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 28, 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.

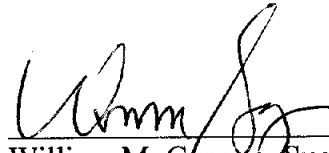
**The new owner may offer to pay your moving expenses and any other costs or amounts you and the new owner agree on in exchange for your agreement to leave the premises in less than 90 days or before your fixed term lease expires. You should speak with a lawyer to fully understand your rights before 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 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](http://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](http://www.oregonlawhelp.org).

Dated this 4 day of April 2014.



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

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.