

After recording return to:

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

**2014-010208**

Klamath County, Oregon



00159502201400102080110115

10/02/2014 09:52:15 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 2014-005922 on June 4, 2014 in the records of the Clerk of Klamath County, Oregon.

On June 9, 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:

James T. Bird, Jr.  
405 Stroh  
Midland OR 97634

James T. Bird  
232 Stroh  
Midland OR 97634

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

On June 10, 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:

James T. Bird, Jr.  
405 Stroh  
Midland OR 97634

James T. Bird  
232 Stroh  
Midland OR 97634

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

Gabrielle D. White  
Post Office Box 171248  
Kansas City KS 66117-0248

State of Kansas  
Dept. for Children and Families  
Office of the Secretary  
915 SW Harrison Street  
Topeka KS 66612

State of Oregon, Department of Justice  
Division of Child Support  
Attorney General Ellen F. Rosenblum  
1162 Court Street NE  
Salem OR 97301

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 29<sup>th</sup> day of September 2014 by  
Wendy Young.



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

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE  
OF SALE AND DANGER NOTICE - 2

**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: 232 Stroh Street

City: Midland State: Oregon ZIP: 97634

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 May 27, 2014 (date) to bring your mortgage loan current was \$ 9,608.34. 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: October 20, 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.

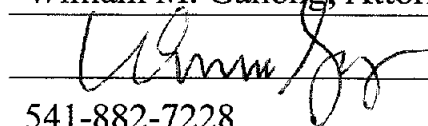
There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and phone number of an organization near you, call the statewide phone contact number at **800-SAFENET (800-723-3638)**. You may also want to talk to 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: June 3, 2014

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

Trustee signature:



Trustee phone number: 541-882-7228

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed described as follows:

1. The Trust Deed is described as follows:

A. Name of Grantor: James T. Bird, Jr.

B. Name of Trustee: AmeriTitle, an Oregon corporation

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: Dorothy Darlene Trainer

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

Lots 5, 6, and 7 in Block 4 of MIDLAND, 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-3908-036DA-01800 and  
Property ID No. R502593

3. The volume, page number, and date of the mortgage records that record the Trust Deed are:  
Document No. 2007-019998, records of Klamath County, Oregon on November 27, 2007.

4. Both the Beneficiary and the Successor Trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed and a Trustee's Notice of Default and Election to Sell has been recorded pursuant to Oregon Revised Statutes 86.735(3). The defaults for which the foreclosure is made are Grantor's failure to pay sixteen monthly payments in the amount of \$498.98 each as of May 27, 2014; Grantor's failure to provide and maintain fire and casualty insurance on the real property described above; and Grantor's failure to pay the real property taxes assessed against the real property described above for the tax years 2011-2012, 2012-2013, and 2013-2014 before they became delinquent.

5. By reason of the defaults just described, the beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the following, to-wit:

The principal balance of the Promissory Note of \$73,442.32, plus interest thereon at the rate of 7.0 percent per annum from November 21, 2013 until paid; \$384 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 on October 20, 2014, at the hour of 10 a.m., in accord with the standard of time established by ORS 187.110, at the front entrance to the office of William M. Ganong, Attorney at Law, at 514 Walnut Avenue, Klamath Falls, Klamath County, Oregon, sell at public auction to the highest bidder for cash the interest in the real property described above that the grantor had or had power to convey at the time of the execution by grantor of the Trust Deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of the sale including a reasonable charge by the Successor Trustee.

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 October 20, 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.

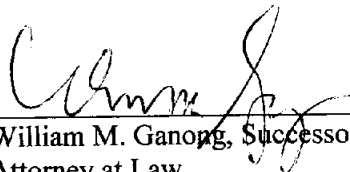
The new owner may offer to pay your moving expenses and any other costs or amounts you and the new owner agree on in exchange for your agreement to leave the premises in less than 90 days or before your fixed term lease expires. You should speak with a lawyer to fully understand your rights before making 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](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 3 day of June 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



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.

AFTER RECORDING, RETURN TO:  
William M. Ganong  
Attorney at Law  
514 Walnut Avenue  
Klamath Falls OR 97601

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AFFIDAVIT OF SERVICE  
OF TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Klamath) ss.

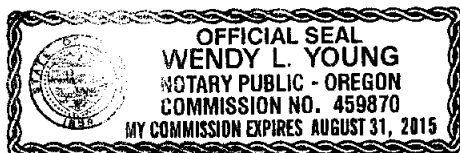
I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made, and that I am not the beneficiary or trustee named in the original Trustee's Notice of Sale attached hereto, nor a successor to either, nor an officer, director, or attorney for, the beneficiary or trustee, or successor of either, corporate or otherwise.

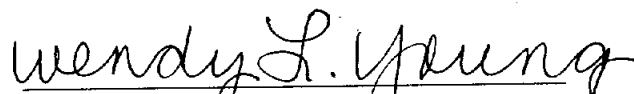
I made service of the Trustee's Notice of Sale executed by William M. Ganong, Successor Trustee, attached hereto, upon the occupant of 232 Stroh, Midland, Oregon 97634, by first attempting to personally serve the occupant and then by posting true copies of said Trustee's Notice of Sale on the front door of the residence at 232 Stroh, Midland, Oregon 97634, on June 10, 2014 at 10:50 a.m.; again on June 12, 2014 at 11:22 a.m.; and again on June 16, 2014 at 1:12 p.m., and then by mailing a copy of said Trustee's Notice of Sale to the occupant of said address on June 16, 2014, enclosed in a sealed envelope by first-class mail with postage prepaid to 232 Stroh, Midland, Oregon 97634, the street address of the real property described in said Trustee's Notice of Sale.

Dated this 18<sup>th</sup> day of June 2014.

  
Cale Arritola

SIGNED AND SWORN to before me this 18 day of June 2014 by Cale Arritola.



  
Notary Public for Oregon  
My Commission Expires: 8.31.2015

**STATE OF OREGON,  
COUNTY OF KLAMATH**

I, Linda Culp, Human Resources,  
being first duly sworn, depose and say  
that I am the principal clerk of the  
publisher of the Herald and News  
a newspaper in general circulation, as  
defined by Chapter 193 ORS, printed and  
published at Klamath Falls in the  
aforesaid county and state: that I know from  
my personal knowledge that the

Legal # 15883

Trustee's Notice of Sale

James T. Bird, Jr.

a printed copy of which is hereto annexed,  
was published in the entire issue of said  
newspaper for: ( 4 )  
Four

Insertion(s) in the following issues:

August 22, 29, 2014

September 05, 14, 2014

Total Cost: \$966.40

*Linda Culp*

Subscribed and sworn by Linda Culp

before me on: September 15, 2014

*Debra A Gribble*

Notary Public of Oregon

My commission expires May 15, 2016



**TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain Trust Deed described as follows:

1. The Trust Deed is described as follows:

- A. Name of Grantor: James T. Bird, Jr.
- B. Name of Trustee: AmeriTitle, an Oregon corporation
- 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: Dorothy Darlene Trainer

2. The legal description of the property covered by the subject Trust Deed is described as:  
Lots 5, 6, and 7 in Block 4 of MIDLAND, 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-3908-036DA-01800 and Property ID No. R502593

3. The volume, page number, and date of the mortgage recorded that record the Trust Deed are:

Document No. 2007-019998, records of Klamath County, Oregon on November 27, 2007.

4. Both the Beneficiary and the Successor Trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed and a Trustee's Notice of Default and Election to Sell has been recorded pursuant to Oregon Revised Statutes 86.735(3). The defaults for which the foreclosure is made are Grantor's failure to pay sixteen monthly payments in the amount of \$498.98 each as of May 27, 2014; Grantor's failure to provide and maintain fire and casualty insurance on the real property described above; and Grantor's failure to pay the real property taxes assessed against the real property described above for the tax years 2011-2012, 2012-2013, and 2013-2014 before they became delinquent.

5. By reason of the defaults just described, the beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the following, to-wit:

The principal balance of the Promissory Note of \$73,442.32, plus interest thereon at the rate of 7.0 percent per annum from November 21, 2013 until paid; \$384 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 on October 20, 2014, at the hour of 10 a.m., in accord with the standard of time established by ORS 187.110, at the front entrance to the office of William M. Ganong, Attorney at Law, at 514 Walnut Avenue, Klamath Falls, Klamath County, Oregon sell at public auction

to the highest bidder for each in interest in the real property described above that the grantor had or had power to convey at the time of the execution by grantor of the Trust Deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of the sale including a reasonable charge by the Successor Trustee.

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.

Dated this 3<sup>rd</sup> day of June 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  
#15883 August 22, 29, September 05, 14, 2014.