

2015-010073

Klamath County, Oregon



00175775201500100730120125

09/10/2015 01:56:21 PM

Fee: \$102.00

AFTER RECORDED, RETURN TO:

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

1.

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

Jay Sandahl  
Post Office Box 53  
Grenada CA 96038

Kristin Sandahl  
35408 McCartie Lane  
Bonanza OR 97623

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

Kristin Sandahl  
Post Office Box 53  
Grenada CA 96038

Jay Sandahl  
35408 McCartie Lane  
Bonanza OR 97623

Horsefly Irrigation District  
Post Office Box 188  
Bonanza OR 97623

Jay Sandahl  
Post Office Box 6  
Grenada CA 96038

2.

PROOF OF SERVICE OR POSTING

Occupant  
35408 McCartie Lane  
Bonanza OR 97623

3.

AFFIDAVIT OF PUBLICATION

Jay Sandahl  
Post Office Box 53  
Grenada CA 96038

Kristin Sandahl  
35408 McCartie Lane  
Bonanza OR 97623

Kristin Sandahl  
Post Office Box 53  
Grenada CA 96038

Jay Sandahl  
35408 McCartie Lane  
Bonanza OR 97623

Jay Sandahl  
Post Office Box 6  
Grenada CA 96038

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

Alvin L. Van Hulzen and Jean Van Hulzen  
24850 Westside Road  
Klamath Falls OR 97601

After recording return to:

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

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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 2015-003547 on April 16, 2015 in the records of the Clerk of Klamath County, Oregon.

On April 17, 2015, 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:

Jay Sandahl  
Post Office Box 53  
Grenada CA 96038

Kristin Sandahl  
Post Office Box 53  
Grenada CA 96038

Jay Sandahl  
35408 McCartie Lane  
Bonanza OR 97623

Kristin Sandahl  
35408 McCartie Lane  
Bonanza OR 97623

Jay Sandahl  
Post Office Box 6  
Grenada CA 96038

Said persons are the grantors in the trust deed, and the addresses shown above are the last known addresses of said parties.

On April 17, 2015, 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

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

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:

Jay Sandahl  
Post Office Box 53  
Grenada CA 96038

Kristin Sandahl  
Post Office Box 53  
Grenada CA 96038

Jay Sandahl  
35408 McCartie Lane  
Bonanza OR 97623

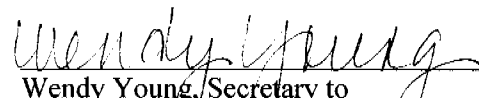
Kristin Sandahl  
35408 McCartie Lane  
Bonanza OR 97623

Jay Sandahl  
Post Office Box 6  
Grenada CA 96038

Horsefly Irrigation District  
Post Office Box 188  
Bonanza OR 97623

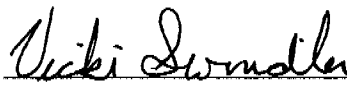
The addresses shown above are the last known addresses of said parties.

Dated this 18<sup>th</sup> day of August 2015.

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

This instrument was acknowledged before me on the 18<sup>th</sup> day of August 2015 by Wendy Young.



  
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: 35408 McCartie Lane

City: Bonanza State: Oregon ZIP: 97623

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 April 17, 2015 (date) to bring your mortgage loan current was \$ 43,965.54. 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: September 15, 2015 at 10 a. m. Pacific Standard Time.

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

**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**.

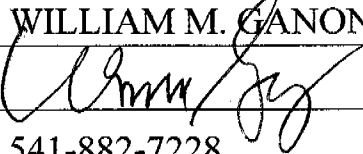
**WARNING:** You may get offers from people saying they can help you keep your property. Be careful about those offers. Make sure you understand any papers you are asked to sign. If you have questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: April 17, 2015

Trustee name (print):

WILLIAM M. GANONG

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: Jay Sandahl and Kristin Sandahl
- 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: Alvin L. Van Hulzen and Jean Van Hulzen, husband and wife

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

Parcel 1 of LAND PARTITION 49-06 located in the S½ of Section 12, and the NW¼ NE¼, NE¼ NW¼, NW¼ NW¼ of Section 13, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

Klamath County Assessor's Map No. R-3911-00000-02400; Account Nos. R604242 and R1401; and

Klamath County Assessor's Map No. R-3911-01300-00400; Account Nos. R604297 and R1401.

More commonly referred to as 35408 McCartie Lane, Bonanza, Oregon 97623

3. The volume, page number, and date of the mortgage records that record the Trust Deed are: Document No. 2011-011734 Klamath County Mortgage Records, Oregon on October 20, 2011.

4. The defaults for which the foreclosure is made are: (a) Grantors' failure to pay the annual installment payment of \$35,170, plus a \$20 buyer fee that were due on or before October 20, 2014; (b) Grantors' failure to pay the real property taxes, special assessments, and interest for the tax years 2012-2013, 2013-2014, and 2014-2015; Grantors' failure to pay Horsefly Irrigation District's irrigation assessments before they became delinquent for water years 2013, 2014, and 2015; and (d) Grantors' failure to provide proof of insurance as required by the Trust Deed.

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

The principal balance and unpaid interest due on the Promissory Note of \$561,941.40, plus interest of \$72.8838 per day from April 2, 2015 until paid; \$1,400 for the foreclosure guarantee; \$5,996.43 for Horsefly Irrigation District's assessments, late charges, administrative fees, and interest due as of April 1, 2015; 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 Tuesday, September 15, 2015, 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.

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#### **NOTICE REGARDING POTENTIAL HAZARDS**

Without limiting the Trustee's disclaimer of representations or warranties, Oregon law requires the Trustee to state in this notice that some residential property sold at a Trustee's Sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the Trustee's Sale.

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#### **NOTICE TO RESIDENTIAL TENANTS**

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for September 15, 2015. 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**

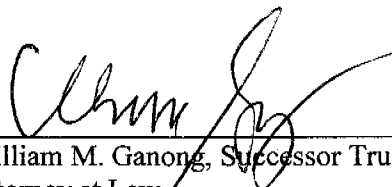


**RIGHTS, YOU SHOULD CONSULT A LAWYER.** If you believe you need legal assistance, contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you do not have enough money to pay a lawyer and are otherwise eligible, 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 17 day of April 2015.



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.

# ARRITOLA INVESTIGATIONS

STATE OF OREGON )

Court Case No. \_\_\_\_\_

County of Klamath )

) ss.

Case No. \_\_\_\_\_

I hereby certify that I received on \_\_\_\_\_ the within:

<input type="checkbox"/> Summons & Complaint	<input type="checkbox"/> Summons & Petition	<input type="checkbox"/> Summons	<input type="checkbox"/> Notice
<input type="checkbox"/> Order of Appearance	<input type="checkbox"/> Waiver of Fees	<input type="checkbox"/> Petition	<input type="checkbox"/> Order
<input type="checkbox"/> Show Cause Order	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Complaint	<input type="checkbox"/> Motion
<input type="checkbox"/> Writ of Garnishment	<input type="checkbox"/> Restraining Order	<input type="checkbox"/> Citation	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Small Claim	<input type="checkbox"/> Certificate of Residency		

X Trustees Notice of Sale

for service on the within named: Occupant 35408 McCarrie Lane

SERVED

personally and in person.

   SUBSTITUTE SERVICE – by leaving a true copy with \_\_\_\_\_, a person over the age of fourteen years, who resides at the place of abode of the within named, at said abode: \_\_\_\_\_

   OFFICE SERVICE – by leaving a true copy with \_\_\_\_\_, the person in charge of the office maintained for the conduct of business by \_\_\_\_\_

   By leaving a true copy with \_\_\_\_\_ of said corporation.

X OTHER METHOD: Posted on 4-23-15 1:40 PM, 4-25-15 3:26 PM  
4-27-15 3:30 PM

   NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find the within named: \_\_\_\_\_ within Klamath County, Oregon.

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

DATE AND TIME OF SERVICE OR NOT FOUND: \_\_\_\_\_

SERVICE FEES FOR THIS SERVICE ARE: \$ 35.00 plus 150 miles  
@ \$. 50 per mile for a total amount due of \$ 110.00

ARRITOLA INVESTIGATIONS

By: [Signature]

Cale Arritola  
427 South Eldorado Ave  
Klamath Falls OR 97601  
541.646.5491

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

I, Pat Bergstrom, Legal Specialist, 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#16557 SALE SANDAHL 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:

07/29/2015 08/05/2015 08/12/2015 08/19/2015

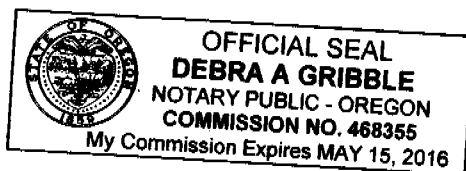
Total Cost: \$956.78

*Pat Bergstrom*

Subscribed and sworn by Pat Bergstrom before me on:  
19th day of August in the year of 2015

*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: Jay Sandahl and Kristin Sandahl
- 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: Alvin L. Van Hulzen and Jean Van Hulzen, husband and wife

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

Parcel 1 of LAND PARTITION 49-06 located in the S½ of Section 12, and the NW¼ NE¼, NE¼ NW¼, NW¼ NW¼ of Section 13, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon. Klamath County Assessor's Map No. R-3911-00000-02400; Account Nos. R604242 and R1401; and Klamath County Assessor's Map No. R-3911-01300-00400; Account Nos. R604297 and R1401. More commonly referred to as 35408 McCartie Lane, Bonanza, Oregon 97623

**3. The volume, page number, and date of the mortgage records that record the Trust Deed are:**  
Document No. 2011-011734 Klamath County Mortgage Records, Oregon on October 20, 2011.

**4. The defaults for which the foreclosure is made are:** (a) Grantors' failure to pay the annual installment payment of \$35,170, plus a \$20 buyer fee that were due on or before October 20, 2014; (b) Grantors' failure to pay the real property taxes, special assessments, and interest for the tax years 2012-2013, 2013-2014, and 2014-2015; Grantors' failure to pay Horsetly Irrigation District's irrigation assessments before they became delinquent for water years 2013, 2014, and 2015; and (d) Grantors' failure to provide proof of insurance as required by the Trust Deed.

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

The principal balance and unpaid interest due on the Promissory Note of \$561,941.40, plus interest of \$72,883.88 per day from April 2, 2015 until paid; \$1,400 for the foreclosure guarantee; \$5,996.43 for Horsetly Irrigation District's assessments, late charges, administrative fees, and interest due as of April 1, 2015; 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 Tuesday, September 15, 2015, 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.**

Dated this 17th day of April 2015.

/s/ William M. Ganong  
William M. Ganong, Successor Trustee  
Attorney at Law  
514 Walnut Avenue, Klamath Falls OR 97601  
541-882-7228 or toll free: 877-641-1963  
#16557 July 29, August 05, 12, 19, 2015.