

Returned at Counter

**2024-007919**

**Klamath County, Oregon**



00333332202400079190130131

09/10/2024 03:07:07 PM

Fee: \$157.00

**AFTER RECORDING, RETURN TO:**

**Mika N. Blain**

**Blain Law, LLC**

**517 Main Street**

**Klamath Falls OR 97601**

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**COVER SHEET**

**FOR RECORDING OF DOCUMENTS LISTED BELOW:**

**1.**

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE  
AND NOTICE REQUIRED BY ORS 86.764**

**2.**

**PROOF OF SERVICE OR POSTING  
By Klamath County Sheriff's Office**

**3.**

**AFFIDAVIT OF PUBLICATION**

After recording return to:  
Mika N. Blain  
Blain Law, LLC  
517 Main Street  
Klamath Falls, OR 97601

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**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE  
AND NOTICE REQUIRED BY ORS 86.764**

STATE OF TENNESSEE, County of Robertson) ss:

I, Wendy Young, secretary to Mika N. Blain of Blain Law, LLC, 517 Main Street, Klamath Falls, Oregon 97601, being first duly sworn, depose, say, and certify that:

I am an employee of Mika N. Blain, Successor Trustee of the Trust Deed more particularly described in the Trustee's Notice of Default and Election to Sell recorded as Instrument No. 2024-003376 on May 1, 2024, in the records of the Clerk of Klamath County, Oregon.

On May 2, 2024, I deposited with the United States Postal Service at Springfield, Tennessee, sealed envelopes containing a Trustee's Notice of Sale executed by Mika N. Blain 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 Springfield, Tennessee addressed to:

Edwin Lane Anderson  
Post Office Box 101  
Bonanza OR 97623

Edwin Lane Anderson  
31814 River Street  
Bonanza OR 97623

Said person is the grantor in the trust deed, and the addresses shown above are all of the addresses of said party on file with the Trustee.

On May 2, 2024, I deposited with the United States Postal Service at Springfield, Tennessee, 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 Springfield, Tennessee addressed to:

Edwin Lane Anderson  
Post Office Box 101  
Bonanza OR 97623

Edwin Lane Anderson  
31814 River Street  
Bonanza OR 97623

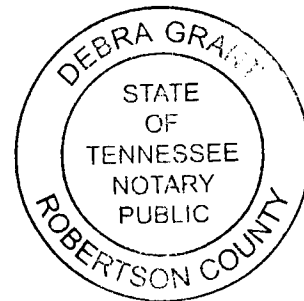
Said person is the grantor in the trust deed, and the addresses shown above are all of the addresses of said party on file with the Trustee.

Dated this 28<sup>th</sup> day of August 2024.

Wendy Young  
Wendy Young, Secretary to  
Mika N. Blain, Successor Trustee

SIGNED AND SWORN to before me this 28<sup>th</sup> day of August 2024 by Wendy Young.

Debra Grant  
Notary Public for Tennessee  
My commission expires: 5/18/2027



## 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 86.815.

1. The Trust Deed is described as follows:

A. Name of Grantor: Edwin Lane Anderson, Post Office Box 101, Bonanza OR 97623  
and 31814 River Street, Bonanza, Oregon 97623

B. Name of Trustee: AmeriTitle, LLC

C. Name of Successor Trustee: Mika N. Blain, Attorney at Law  
517 Main Street, Klamath Falls OR 97601

E. Name of Beneficiary: Gerald R. Clark and Barbara A. Clark, each as to an undivided  
one-half interest, as Tenants in Common

Gerald R. Clark, 19443 Hwy 39, Klamath Falls, Oregon 97603  
Barbara A. Clark, 1114 N. 7<sup>th</sup> Street, Klamath Falls, Oregon 97601

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

Out Lots 1, 2, 3 and 4, BOWNE ADDITION TO BONANZA, according to the official plat thereof, on file in the office of the County Clerk of Klamath County, Oregon. EXCEPT from Lot 1 all property lying East of the following described line: Beginning at a point 367 feet due West and 317 feet due South of a stake set in a mound of rock being situated South 33°30' East 1182.72 feet from the Northwest corner of the SE1/4 SW1/4 of Section 10, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, and also being the Southwest corner of that certain parcel of land conveyed to Fred D. Hitson and Estell M. Hitson, husband and wife, and William T. Beal and Cora Mae Beal, husband and wife, by said Deed recorded in Volume 223, page 349 of Klamath County Deed records on August 4, 1948; thence South to the point of intersection of the North or right bank of Lost River, and the true point of beginning; thence North to the South line of River Street.

Klamath County Assessor's Parcel No. R-3911-015BO-00300 and  
Tax ID No. 607917

More commonly referred to as 31814 River Street, Bonanza, Oregon 97623

3. The volume, page number, and date of the mortgage records that record the Trust Deed are March 27, 2013 as Instrument No. 2013-003252 in the official records of the Clerk of Klamath County, Oregon.

4. The defaults for which the foreclosure is made are Grantor's failure to honor the terms of the Installment Note wherein he promised to exercise due diligence in the process of resolution of the encroachment matter on the subject property and he promised to pay to Gerald Clark and Barbara Clark the entire unpaid balance within SIXTY MONTHS from the date of purchase; PROVIDED, HOWEVER, that in the event that the encroachment matter had not yet been resolved, the entire unpaid balance shall instead be due and

payable ONE HUNDRED TWENTY MONTHS from the date of purchase, which 120 months expired on March 27, 2023.

Both the 60-month and 120-month terms have expired.

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 Installment Note of \$118,960.97, plus interest thereon at the rate of 4.0 percent per annum from April 20, 2024 until paid; \$505.00 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 September 24, 2024 at the front entrance to the office of Mika N. Blain, Blain Law, LLC, at 517 Main Street, 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.
9. 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.

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

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for September 24, 2024. 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 Services of Oregon (LASO) 832 Klamath Avenue, Klamath Falls, Oregon 97601, telephone: 541.273-0533 or 1.800.480.9160, website: [www.oregonlawhelp.org](http://www.oregonlawhelp.org).

Dated this 1st day of May 2024.

  
Mika N. Blain, Successor Trustee  
Attorney at Law  
517 Main Street  
Klamath Falls OR 97601  
541-851-9500

**NOTICE REQUIRED BY THE  
FAIR DEBT COLLECTION PRACTICES ACT  
15 U.S.C. § 1692**

- 1. The amount of the debt is as set forth in the attached documentation or correspondence.**
- 2. The name of the creditor to whom the debt is owed is as stated in the attached documentation or correspondence.**
- 3. Unless you, the consumer, within 30 days after receipt of this Notice, dispute the validity of the debt or any portion thereof, the debt will be assumed to be valid by the undersigned. The undersigned, however, reserves the right to file suit, if none has yet been filed, or to take any other appropriate action to collect the debt within this 30-day period.**
- 4. If you, the consumer, notify the undersigned, in writing, within the 30-day period that the debt, or any portion thereof, is disputed, the undersigned will obtain verification of the debt and a copy of such verification will be mailed to you by the undersigned.**
- 5. Upon your written request within the 30-day period, the undersigned will provide you with the name and address of the original creditor if such original creditor is different from the current creditor.**
- 6. Written requests should be addressed to Mika N. Blain, Blain Law, LLC, 517 Main Street, Klamath Falls, Oregon 97601.**
- 7. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.**

**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: 31814 River Street

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 March 23, 2023 (date) to bring your mortgage loan current was \$ 123,336.86. 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 541-851-9500 (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:

Mika N. Blain, Attorney at Law

517 Main Street

Klamath Falls, OR 97601

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

Date and time: Sept. 24, 2024 at 10 a.m. Pacific Standard Time.

Place: front entrance to the law office of Mika N. Blain, 517 Main Street,  
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 Mika N. Blain (name) at 5418519500 (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: May / April, 2024

Trustee name (print): Mika N. Blain, Attorney at Law

Trustee signature:

Mika N. Blain

Trustee phone number:

541-851-9500

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 attached original Trustee's Notice of Sale executed by Mika N. Blain containing the information shown on the Trustee's Notice of Sale attached hereto upon the occupant of 31814 River Street, Bonanza, Oregon 97623, by posting true copies of said documents, certified to be such by the attorney for the successor trustee, as follows:

SERVICE BY POSTING

Upon the occupant by posting an original Trustee's Notice of Sale and all attached documents as described above to the occupant of 31814 River Street, Bonanza, Oregon 97623, on the front door of said residence on May 7<sup>th</sup>, 2024 at 11:57 a.m./6 p.m.; again on May 14<sup>th</sup>, 2024 at 1000 a.m./p.m., and again on May 16<sup>th</sup>, 2024 at 20:39 a.m./8 p.m., and then by mailing copies of said documents to the occupant of said address on May 17<sup>th</sup>, 2024 enclosed in a sealed envelope by first-class mail with postage prepaid.

Dated this 17<sup>th</sup> day of May 2024.

Alejandra Ibarra #1041  
A. Ibarra

SIGNED AND SWORN to before me this 17<sup>th</sup> day of May 2024, by A. Ibarra.

1043035 Alejandra Ibarra  
Notary Public for Oregon  
My Commission Expires: November 30, 2027



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

I, Heather Boozer, Advertising 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 97601 in the afore-said county and state: that I know from my personal knowledge that the Legal # 24358 TNOS 31814 River Street 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: 07/20/24, 07/27/24,  
08/03/24, 08/10/24

Total Cost: \$1,442.04

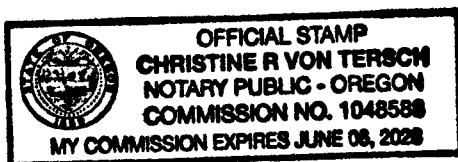
*Heather Boozer*

Subscribed and sworn by Heather Boozer before me on:  
On 14th day of August, in the year of 2024



Notary Public of Oregon

My commission expires June 6, 2028



**TRUSTEE'S NOTICE OF SALE**

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to the provisions of Oregon Revised Statutes 86.771.

1. The Trust Deed is described as follows:

- A. Name of Grantor: Edwin Lane Anderson, Post Office Box 101, Bonanza OR 97623 and 31814 River Street, Bonanza, Oregon 97623
- B. Name of Trustee: AmeriTitle, LLC
- C. Name/Address of Successor Trustee: Mika N. Blain, Attorney at Law 517 Main Street, Klamath Falls OR 97601
- D. Name of Beneficiary: Gerald R. Clark and Barbara A. Clark, each as to an undivided one-half interest, as Tenants in Common  
Gerald R. Clark, 19443 Hwy 39, Klamath Falls, Oregon 97603  
Barbara A. Clark, 1114 N. 7th Street, Klamath Falls, Oregon 97601

2. The legal description of the property covered by the subject Trust Deed is more particularly described as follows: Out Lots 1, 2, 3 and 4, BOWNE ADDITION TO BONANZA, according to the official plat thereof, on file in the office of the County Clerk of Klamath County, Oregon. EXCEPT from Lot 1 all property lying East of the following described line: Beginning at a point 367 feet due West and 317 feet due South of a stake set in a mound of rock being situated South 33°30' East 1182.72 feet from the Northwest corner of the SE1/4 SW1/4 of Section 10, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, and also being the Southwest corner of that certain parcel of land conveyed to Fred D. Hitson and Estell M. Hitson, husband and wife, and William T. Beal and Cora Mae Beal, husband and wife, by said Deed recorded in Volume 223, page 349 of Klamath County Deed records on August 4, 1948; thence South to the point of intersection of the North or right bank of Lost River, and the true point of beginning; thence North to the South line of River Street. Klamath County Assessor's Parcel No. R-3911-015BO-00300 and Tax ID No. 607917. Commonly referred to as 31814 River Street, Bonanza, Oregon 97623.

3. The volume, page number, and date of the mortgage records that record the Trust Deed are March 27, 2013 as Instrument No. 2013-003252 in the official records of the Clerk of Klamath County, Oregon.

4. The defaults for which the foreclosure is made are Grantor's failure to honor the terms of the Installment Note wherein he promised to exercise due diligence in the process of resolution of the encroachment matter on the subject property and he promised to pay to Gerald Clark and Barbara Clark the entire unpaid balance within SIXTY MONTHS from the date of purchase; PROVIDED, HOWEVER, that in the event that the encroachment matter had not yet been resolved, the entire unpaid balance shall instead be due and payable ONE HUNDRED TWENTY MONTHS from the date of purchase, which 120 months expired on March 27, 2023.

Both the 60-month and 120-month terms have expired.

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 Installment Note of \$118,960.97, plus interest thereon at the rate of 4.0 percent per annum from April 20, 2024 until paid; \$505.00 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 September 24, 2024 at the front entrance to the office of Mika N. Blain, Blain Law, LLC, at 517 Main Street, 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.

9. 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.

Dated this 1st day of May 2024.

/s/ Mika N. Blain  
Mika N. Blain, Successor Trustee  
Attorney at Law  
517 Main Street, Klamath Falls OR 97601  
541-851-9500

#24358 July 20, 27, August 3, 10, 2024