

'OUTSIDE OUR JURISDICTION'

Five years ago, in the midst of a divorce, Susie Hanner reluctantly prepared to sell her Creswell home and the idyllic 69-acre forest surrounding it. With assurances that the new owners would thin but not clearcut the plot's mosaic of firs, oaks and pines, Hanner agreed to sell the property to Fern Hollow Farms Inc., a company run by Greg Demers.

But when Hanner arrived to sign the paperwork, the contract listed a different buyer: McDougal Bros. Investments.

"I didn't know until closing that I was selling to the McDougals," Hanner said. "I panicked."

Hanner says she had second thoughts about the sale, but having already put the house on the market once with no bites, she decided to move forward. "I wasn't really excited about it," she said. "But my realtor reminded me they were not going to clearcut" — an account supported by emails Hanner provided to InvestigateWest.

But that verbal agreement turned out to be a false promise. Today, aerial images show that only a few small patches of trees remain on the property. The rest of the forest is gone.

Hanner still hasn't forgiven the McDougals. When she saw one of the brothers at a public meeting about Parvin Butte, Hanner unloaded, she said. "I told him, 'I would love to do to your genitalia what you did to my trees.' I got a bit of very minute pleasure from seeing his reaction."

According to Lane, ODF can't get involved with land-sale disputes like Hanner's, even those involving a breach of contract.

"That would be outside our jurisdiction," Lane said. "The only thing we're responsible for is violations of the Forest Practices Act. What happens when they buy land becomes a contractual issue between the landowner and the operator."

Landowners can take contract disputes to court, but that can be daunting — and difficult — for small forest landowners like Erb.

Erb told InvestigateWest that the logging contractors, in addition to their documented forestry violations, also took more trees than outlined in his contract. To try to prove his case, Erb hired an independent timber consultant to complete a survey of the forestland — an assessment that found the loggers had exceeded their allotted cut by an estimated 200,000 board feet. This documentation might have helped Erb make his case in court, but it never came to that. Erb, who is 77, says he couldn't afford to file a lawsuit.

Neither Demers nor the McDougals responded to repeated requests for comment. But state court records show that Demers has faced similar allegations before. In civil lawsuits filed more than 20 years ago, three separate landowners accused Demers of failing to follow through on his contract obligations. In one of the lawsuits, eventually settled out of court, the plaintiff alleged that Demers failed to pay for \$45,000 worth of timber. According to the lawsuit, Demers had suggested to the landowner that his company, Timber Sales & Reforestation, was financially strong and in the process of building new offices. In reality, the complaint says, Demers' company was insolvent.

Although ODF can't intervene in such disputes, Lane said that resources do exist to help forest landowners navigate timber sales and contracts. The Oregon Association of Loggers website, for example, includes an eight-step guide to harvesting timber; Oregon State University runs a forestry extension program that helps support forest landowners; and the Oregon Forest Resources Institute (OFRI) invites questions through its "Ask a Forester" page, which covers forestry laws but not contract issues.


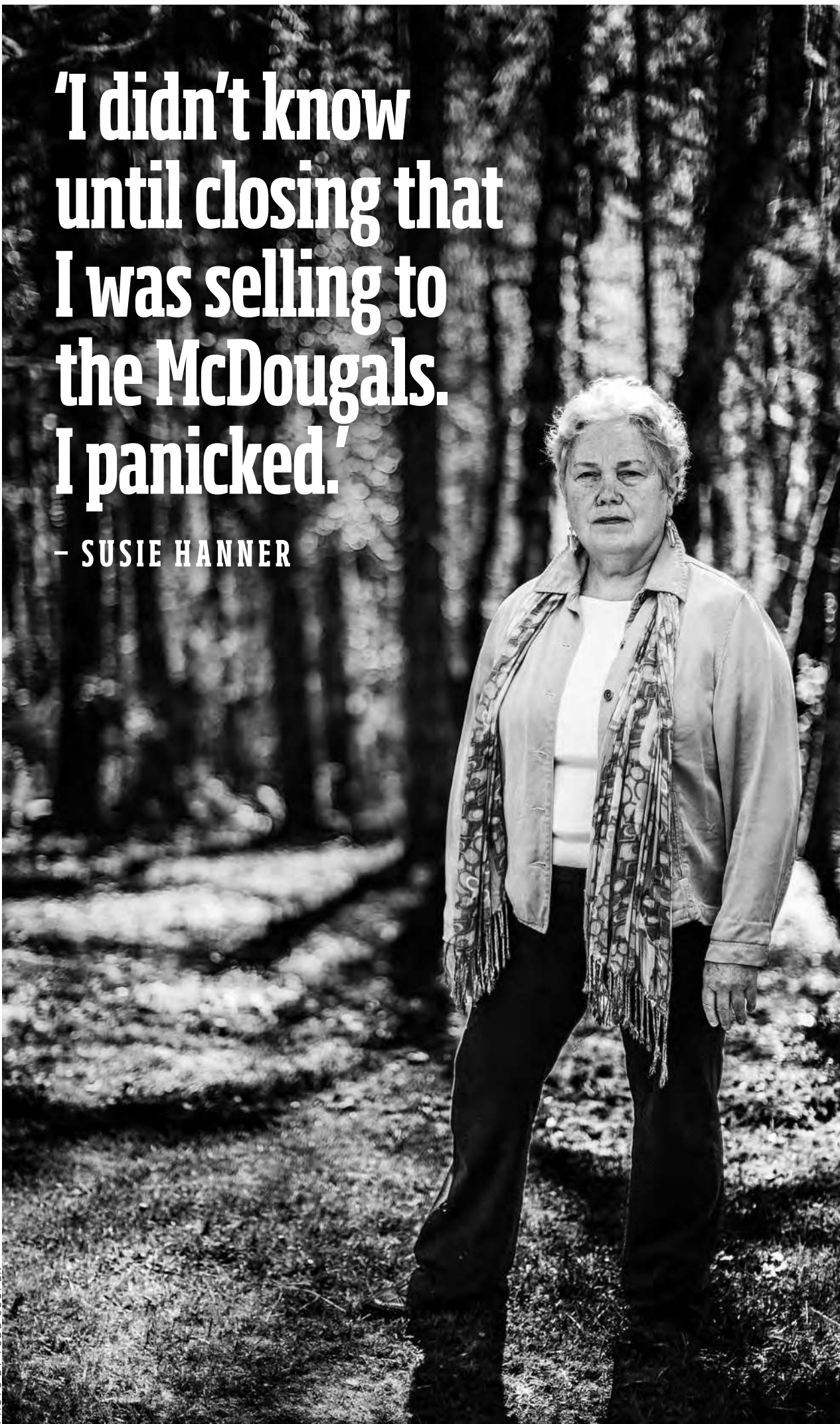
However, not all landowners know about those resources, and some don't get results even when they use them. Stipp, for example, said he used OFRI's "Ask a Forester" feature to submit a question about state forestry laws. The response? "I never heard back," he said. ■

Lee van der Voo contributed to this report.

'I didn't know until closing that I was selling to the McDougals. I panicked.'

— SUSIE HANNER

PHOTO BY TODD COOPER



Dr. Jessica Friedman
is now accepting new patients

grassroots
GYNECOLOGY

Now accepting Blue Cross Blue Shield and most other major insurances

Specializing in teen health, sexual health, gynecology and menopausal medicine.

541-505-7510
1755 Coburg Rd. Building 1, Suite 2
grassrootsgynecology.com

RED BARN
NATURAL GROCERY & DELI

APRIL DELI SPECIAL
\$1 OFF ALL* ESPRESSO DRINKS
*EXCLUDES SHOTS & AMERICANOS

4TH & BLAIR • 541-342-7503 • 8AM-11PM DAILY (DELI 9PM)