

AFFIDAVIT

STATE OF OREGON

County of Klamath

ss.

I, RICHARD FAIRCLO, being first duly sworn, depose and say as follows:

The attached Notice of Default was served by mailing by return by certified mail return receipt requested and first class mail to the following persons at the following addresses on April 27, 1989:

WILLIAM S. AND LOIS M. HART
630 EAST MILITARY STREET
BENICIA, CA 94510

THE COMMERCIAL AGENCY
C/O CODY, BARDEN, DANIEL & PALO
P.O. BOX 23909
PORTLAND, OR 97223

HARLEY J. AND PATRICIA M. HART
BOX 481
MERRILL, OREGON 97633

ANTHONY BUCCINO
ATTORNEY FOR COMMERCIAL AGENCY
1100 SW SIXTH, SUITE 1100
PORTLAND, OR 97204

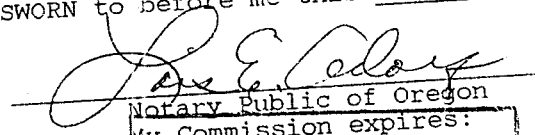
PARKS & RATLIFF
228 NORTH SEVENTH
KLAMATH FALLS, OR 97601

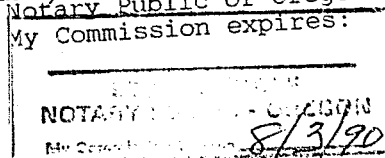
U.S. BANK OF OREGON
740 MAIN
KLAMATH FALLS, OR 97601

BILL BURGESS
P.O. BOX 835
TULELAKE, CA 96134


Richard Fairclo, OSB 75114

SUBSCRIBED AND SWORN to before me this 27 day of
April, 1989.


Notary Public of Oregon
My Commission expires:



89 APR 27 PM 4 07

NOTICE OF DEFAULT AND FORFEITURE
(Pursuant to ORS Sections 93.905 thru 93.945)

NOTICE IS HEREBY GIVEN that there is a default on the following-described (unrecorded) Contract for the sale of real property:

Parties: OBIL S. COLLMAN and BERNIECE COLLMAN, husband and wife, as Sellers
and HARLEY J. HART and PATRICIA M. HART, husband and wife, and WILLIAM S. HART and LOIS M. HART, husband and wife, as Purchasers

Date: September 22, 1975

Legal Description: See Attached Exhibit "A."

Amount of Default: \$29,709.75 plus interest thereon at the rate of 8 percent per annum from September 29, 1988, until paid, and back Klamath County real estate taxes in the amount of \$875.51, plus interest accruing at 12 percent per annum and back water charges to Klamath Irrigation District in the amount of \$1,127.70 and Warren Act (water) contract in the amount of \$98.65, plus interest at 12 percent per annum.

The nature of the default is failure to make payments for period of time to constitute default under the terms of the contract.

The date after which the contract will be forfeited if the purchaser does not cure said default is August 12, 1989. (The period specified shall be not less than 60 days, when the purchaser has reduced the unpaid balance to an amount greater than 75 percent of the purchase price, 90 days when the purchaser has reduced the unpaid balance to an amount which is more than 50 percent but less than 75 percent of the purchase price or 120 days when the purchaser has reduced the unpaid balance to an amount which is 50 percent or less of the purchase price.)

The name and address for the attorney for the Seller is: Richard Fairclo, 280 Main, Klamath Falls, Oregon 97601.

A copy of this Notice, together with an Affidavit of Mailing shall be recorded.

To be sent by both first class and certified mail with return receipt requested at the last known address or served pursuant to ORCP 7D (2) and 7D (3) to be sent to the purchaser, occupant of the property, any person who has filed of record the request for notice of default, and others shown in title report.

Richard Fairclo
Richard Fairclo, OSB 75114
PROCTOR & FAIRCLO Attorneys at Law
280 MAIN STREET
KLAMATH FALLS, OREGON 97601

Exhibit "A"

7327

The following described real property situate in Klamath County, Oregon:
A tract of land situated in Section 5, Twp. 40 South, Range 10
E.W.M., more particularly described as follows:

Beginning at the Southwest corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Sec. 5;
thence North along the center line of Section 5 to the Southerly
right of way of the G Canal as now located; thence Northwesterly
along the Southerly line of the G Canal to a point that is South
56°23'30" East 223.80 feet; South 58°36' East 366.50 feet, and South
86°24' East 317.60 feet from its intersection with the Southeasterly
right of way line of the G-1 lateral; thence South 5°55'30" West
1098.40 feet; thence South 0°48'30" East 72.20 feet; thence South
0°48'30" East 923 feet, more or less, to the South line of Section
5; thence East along said South line to the Westerly right of way
line of the G Canal; thence Northerly along the Westerly right of
way line of the G Canal to the South line of the Northwest quarter
of Southeast quarter; thence West along said South line to the
point of beginning.

EXCEPTING THEREFROM that portion lying within the Dehlinger Lane
right of way.

TOGETHER WITH a 30 foot access easement described as follows:
The East 30 feet of the following described real property in Klamath
County, Oregon:

A tract of land situated in Section 5, Twp. 40 South, Range 10
E.W.M., more particularly described as follows:

Beginning at the Southwest corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section
5; thence North along the center line of Section 5 to the Southerly
right of way of the G Canal as now located; thence Northwesterly
along the Southerly line of the G Canal to a point that is South
56°23'30" East 223.80 feet; South 58°36' East 366.50 feet; and
South 86°24' East 317.60 feet from its intersection with the South-
easterly right of way line of the G-1 lateral; thence South 5°55'30"
West 1098.40 feet; thence South 0°48'30" East 72.20 feet to the
true point of beginning; thence South 83°01'45" West 60.45 feet;
thence South 0°48'30" East 923.30 feet to the South line of Section
5; thence East along said South line 60.45 feet; thence North 923
feet, to the point of beginning.

EXCEPTING THEREFROM that portion lying within the Dehlinger Lane
right of way.

STATE OF OREGON: COUNTY OF KLAMATH:

Filed for record at request of Proctor & Fairclough ss.
of April A.D., 19 89 at 4:07 o'clock P.M., and duly recorded in Vol. M89 day
of April at 4:07 o'clock P.M., and duly recorded in Vol. M89 day
of April at 4:07 o'clock P.M., and duly recorded in Vol. M89 day
FEE \$18.00
on Page 7325
By Evelyn Biehn County Clerk
By Pauline Mullendore