

K-42884

AFFIDAVIT OF RUTH BRANDT-MILLER

IN SUPPORT OF FORFEITURE OF LAND SALE CONTRACT

STATE OF OREGON)
) ss.
County of Multnomah)

I, Ruth Brandt-Miller, say:

1. Beverley A. Brandt, individually, and Beverley A. Brandt, Personal Representative of the estate of C. Arnold Brandt, deceased, is the Seller and Brendan Capital Corporation is the Purchaser under that certain Land Sale Contract ("Contract"), dated April 4, 1989. Said Contract was recorded on April 18, 1989 at Volume M-89, page 6533, in the Deed Records of Klamath County.

2. Charles A. Brandt, Alida M. Coleman and I each have an individual one-third interest in said Contract as heirs and devisees of Beverley A. Brandt. I make this Affidavit on behalf of myself and as attorney-in-fact for Alida M. Coleman and Charles A. Brandt.

3. A copy of the Notice of Forfeiture and Affidavit of Mailing, including the property description, is attached hereto as Exhibit A. The Affidavit of Mailing shows that the mailing occurred on February 19, 1991.

4. The default of the Purchaser under the terms of the Contract was not cured within the time period of 60 days provided in ORS 93.915, which period expired on April 20, 1991, and the Contract has been forfeited.

DATED this 22 day of April, 1991.

Ruth Brandt-Miller
Ruth Brandt-Miller

SUBSCRIBED AND SWORN TO before me this 22 day of April, 1991.

James E. McCobb
Notary Public for Oregon
My Commission Expires: 1/7/92



jem484

Black Helterline
1200 The Bank of California Tower
707 S. W. Washington Street
Portland, Oregon 97205
Telephone: (503) 224-5560

After recording return to:

James E. McCobb, Esq.
Black Helterline
1200 The Bank of California Tower
707 S. W. Washington Street
Portland, Oregon 97205
Telephone: (503) 224-5560

K-42884

8767

AFFIDAVIT OF MAILING OF NOTICE OF DEFAULT

STATE OF OREGON)
) ss.
 County of Multnomah)

I, JAMES E. MCCOBB, being first duly sworn, depose and
 say:

I am one of the attorneys for the devisees of Beverley
 Brandt.


On February 19, 1991, I mailed to the following persons
 the attached Notice of Forfeiture by both first class and
 certified mail with return receipt requested:

Brendan Capital Corporation
 17356 Hill Road
 Klamath Falls, Oregon 97603

Wray Partnership
 c/o Michael Wray
 Harvest Ford
 2833 Washburn Way
 Klamath Falls, Oregon 97603

Klamath County
 Division of Assessment and Taxation
 Klamath Falls, Oregon 97601

The above addresses are the last-known addresses of the
 above persons.


 JAMES E. MCCOBB

SUBSCRIBED AND SWORN TO before me this 19th day of
 February, 1991.

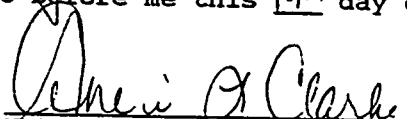

 Notary Public for Oregon
 My Commission Expires: 4/14/93

EXHIBIT A

91 FEB 22 PM 4 09



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NOTICE OF FORFEITURE

Under Chapter 93.905 *et seq.* of the Oregon Revised Statutes, this notice is being given by both first class mail and certified mail, return receipt requested.

TO: Brendan Capital Corporation
17356 Hill Road
Klamath Falls, Oregon 97603

AND: Wray Partnership
c/o Michael Wray
Harvest Ford
2833 Washburn Way
Klamath Falls, Oregon 97603

Klamath County
Division of Assessment and Taxation
Klamath Falls, Oregon 97601

Notice is hereby given that there is a default under that certain Land Sale Contract dated April 4, 1989, a copy of which was recorded on April 18, 1989 at Volume M-89, page 6533, in the Deed Records of Klamath County between Beverley A. Brandt and Beverley A. Brandt, as Personal Representative of the Estate of C. Arnold Brandt, deceased, Sellers, and Brendan Capital Corporation, Purchaser (the "Contract").

1. Nature of Default:

Purchaser is in default under the Contract in the following particulars:

(a) Failure to make the annual payment when due on December 30, 1990 of \$66,666.67 together with accrued interest; and

(b) Real property taxes for tax years 1989-1990 and 1990-1991 on tax lots 3909-3400-1000 and 3909-3400-900.

2. The amount of the default is detailed as follows:

(a) Interest due in the amount of \$22,244.43 as of February 19, 1991;

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(b) Principal due in the amount of \$66,667.67 as of February 19, 1991;

(c) Interest accruing at the rate of \$59.79 a day from February 19, 1991 to date of payment; and

(d) Real property taxes due in the amount of \$3,276.37, plus interest to date of payment.

3. The Contract will be forfeited sixty (60) days after the date of this Notice, April 23, 1991, if you do not cure the default before that date.

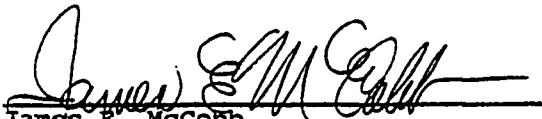
4. To cure the default you must pay, by or on the forfeiture date, the entire amount due, other than sums that would not then be due had no default occurred, at the time of the cure, under the terms of the Contract, or provide proof of cure or that no default exists. In addition to paying the sums and tendering the performance required under the Contract, Purchaser shall pay Sellers' costs and expenses incurred in enforcing the Contract, including, but not limited to, statutory attorney fees of \$350.00 and title search in the amount of \$752.50.

5. The Sellers' attorneys' names and addresses are:

James E. McCobb
Anita G. Manishan
1200 The Bank of California Tower
707 S. W. Washington Street
Portland, Oregon 97205

6. The Property involved is as described in Exhibit A attached hereto and incorporated herein by this reference.

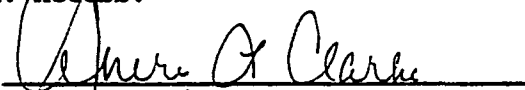
DATED this 19 day of February, 1991.


James E. McCobb
Attorney for Sellers' Devisees
Ruth Brandt-Miller, Alida M.
Coleman and Charles A. Brandt

Black Helterline
1200 The Bank of California Tower
707 S. W. Washington Street
Portland, Oregon 97204
Telephone: (503) 224-5560

STATE OF OREGON)
) ss.
County of Multnomah)

This instrument was acknowledged before me this 19th
day of February, 1991 by James E. McCobb.


Notary Public for Oregon
My Commission Expires: 4/14/93

jem366

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EXHIBIT A

DESCRIPTION OF PROPERTY

The following described real property situate in Klamath County, Oregon:

Beginning at the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Twp. 39 S.R. 9 E.W.M., thence South along the Section line 22.50 chains; thence Westwardly at right angles with said Section line 20 chains; thence Northerly and parallel with the Section line aforesaid 22.50 chains, and thence Easterly 20 chains to the point of beginning, being the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and five acres off the North end of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34, Twp. 39 S.R. 9 E.W.M., SAVING AND EXCEPTING a ditch right of way over said property deeded to R. P. Britanstein, by deed recorded in Book 55, at page 435, Deed Records of Klamath County, Oregon.

ALSO all that portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Twp. 39 South, Range 9 E.W.M., in Klamath County, Oregon, described as follows: Beginning at a point in the East line of said Section 34, 1725 feet North of the Southeast corner of said Section; thence North 88° West 1006.4 feet; thence through the arc of a 40° curve right 66.5 feet to a point bearing North 74°42' West 66.5 feet; thence North 61°23' West 202.5 feet; thence through the arc of a 40° curve right 143.8 feet to a point bearing North 32°38' West 140.6 feet; thence North 3°53' West 72.4 feet to a point in the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section from which the quarter corner common to Sections 34 and 35, said Township and Range, bears North 66°28' East 1449 feet; thence North along the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34, 400 feet, more or less, to a point 165 feet South of the Northwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34, thence East parallel with the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34, 1320 feet, more or less, to the East line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34; thence South 750 feet, more or less, to the point of beginning. LESS AND EXCEPTING $\frac{1}{4}$ of the County road along the West side of the herein described tract, $\frac{1}{4}$ of the right of way of the U.S.R.S. C-4 canal, and a strip of land one rod wide off the East side of the herein described tract heretofore deeded to the Klamath Irrigation District.

Return
Back Hetterline
707 SW Washington ST
Portland, OR 97205

STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

Klamath County Title Co.
on this 9th day of May A.D., 19 91
at 2:34 o'clock P.M. and duly recorded
in Vol. M91 of Deeds Page 8765
Evelyn Biehn County Clerk
By Pauline Muelandore
Deputy.

Fee, 58.00

STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

Klamath County Title Co.
on this 22nd day of Feb. A.D., 19 91
at 4:09 o'clock P.M. and duly recorded
in Vol. M91 of Mortgages Page 3327
Evelyn Biehn County Clerk
By Pauline Muelandore
Deputy.

Fee, \$28.00

INDEXED

D.V.I.V.

