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K-43208

## DECLARATION OF FORFEITURE

STATE OF OREGON )

County of Klamath )

ss.

I, JAMES R. UERLINGS, being first duly sworn depose and say that I am the attorney for Bank of California, as Trustee, Seller under a Contract between said parties as vendor, and James F. Fletcher, as Purchaser. Said Contract was recorded 12-3-82, in Volume M82, page 16941, Deed Records, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

Lots 12, 13 & 14 in Block 22, Mt. Scott Meadow, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Together with all improvements on said real property presently existing or which may be hereafter added to said property.

A NOTICE OF DEFAULT AND FORFEITURE OF CONTRACT was mailed by first class mail and certified mail, return receipt requested to Purchaser on June 17, 1991. Copies of said NOTICE AND PROOF OF MAILING of said NOTICE are attached hereto.

The defaults of the Purchaser under the terms of the contract were not cured with the time period provided in ORS 93.915 and the contract has been forfeited.

James R. Uerlings  
JAMES R. UERLINGS #76030

SUBSCRIBED AND SWORN to before me this 2nd day of October, 1991.

Shirley F. Hamil  
NOTARY PUBLIC FOR OREGON

My Commission Expires: 9-12-92

AFTER RECORDING RETURN TO:  
James R. Uerlings  
110 North Sixth Street  
Klamath Falls, Oregon 97601

91 OCT 21 1991  
91 OCT 21 1991  
91 OCT 21 1991

22777

20250

● **SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:  
Henry E. Gibson  
Kathleen Gibson  
1003 Aukua Rd  
Kailua, HI 96734

4. Article Number  
P 335 310 256

Type of Service:  
☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address  
X H. E. Gibson

6. Signature - Agent  
X

7. Date of Delivery  
6-21-91

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1988 • U.S.G.P.O. 1988-212-885 DOMESTIC RETURN RECEIPT

STATE OF OREGON: COUNTY OF KLAMATH

Filed for record at request of \_\_\_\_\_ the \_\_\_\_\_ 4th day  
 of October A.D., 19 91 at 11:28 o'clock A. M., and duly recorded in Vol. M91  
 of Mortgages on Page 20248

FEE \$18.00

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 31st day  
 of Oct. A.D., 19 91 at 9:39 o'clock A M., and duly recorded in Vol. M91  
 of Deeds on Page 22775

FEE none

Evelyn Biehn County Clerk

By Pauline Mulender

(Being Re-Recorded to put in Deed Records)

## 1. DESCRIPTION OF CONTRACT:

(A) PURCHASER: HENRY E. GIBSON &amp; KATHLEEN GIBSON

(B) SELLER: THE BANK OF CALIFORNIA, N.A., as Trustee

(C) CONTRACT RECORDED: 12-3-82, vol. M82, Page 16950, Deed of records of Klamath County, dated 6-24-81

(D) AMOUNT AND TERMS OF CONTRACT: \$12000. \$1200 down, balance of \$18422.40 at \$153.52 per month starting 8-1-82 until paid including

12% interest per annum.

(E) PROPERTY COVERED BY CONTRACT: Lot(s) 3 &amp; 4 in Block 22, Mt. Scott Meadow, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

2. NATURE AND AMOUNT OF DEFAULT: Failure to pay: (A) 82 regular monthly payments at \$153.52 or a total of \$12588.64. (B) Real property taxes in the sum of \$1135.15 plus interest to date.

3. SUM OWING ON OBLIGATION: Principal balance of \$9666.86 with interest at 12% percent per annum from 7-25-83, plus taxes, attorney fees, and foreclosure costs.

4. DATE AFTER WHICH CONTRACT FORFEITED IF DEFAULT NOT CURED: 9-30-91

Unless the default is cured as set forth in paragraph 5 of this Notice, the Purchaser and all persons claiming through the Purchaser shall have no further rights in the contract or the property and no person shall have any right to redeem the property. All sums previously paid under the contract by or on behalf of the Purchaser shall belong to and be retained by the Seller or other person to whom paid under the terms of the contract.

## 5. CURE OF DEFAULT TO AVOID FORFEITURE:

Notice is given that forfeiture may be avoided under the Contract by curing the default(s) by payment of the entire amount due, other than such portion of principal as would not then be due had no default occurred, and tendering performance of other obligations in default, together with costs and expenses actually incurred in enforcing the contract on or before 9-30-91. AMOUNT TO CURE: \$14341.79 as of 4-30-91.

6. NAME AND ADDRESS OF SELLER'S ATTORNEY: (Address to Remit Payment)

Ret James R. Uerlings, BOIVIN, JONES & UERLINGS  
 110 N. Sixth Street, Suite 209  
 Klamath Falls, OR 97601

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

*James R. Uerlings*  
 JAMES R. UERLINGS OSB #76030  
 Attorney for Seller

STATE OF OREGON

County of Klamath

ss.

On this 13 day of June, 1991, personally appeared before me the above named JAMES R. UERLINGS and acknowledged the above to be his voluntary act and deed.

*Don Darling*  
 NOTARY PUBLIC FOR OREGON  
 My Commission Expires: 1-11-94

## PROOF OF MAILING NOTICE OF DEFAULT AND FORFEITURE OF CONTRACT

STATE OF OREGON

COUNTY OF KLAMATH

I, James R. Uerlings, being first duly sworn, depose and say: That I am the attorney for The Bank of California, N.A., Seller under a Contract between said parties, The Bank of California, N.A., as Trustee, and HENRY E. GIBSON & KATHLEEN GIBSON, as buyer. The contract was recorded 12-3-82, in Volume M82, Page 16950, Deed Records, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

Lot(s) 3 & 4 in Block 22, Mt. Scott Meadow, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Together with all improvements on said real property presently existing or which may be hereafter added to said real property.

I hereby certify that I mailed by first class mail and by certified mail, return receipt requested a copy of the attached NOTICE OF DEFAULT AND FORFEITURE to the persons listed below, on the date and to the address indicated which was the last known address to the Seller, by placing said NOTICE in a sealed envelope with postage fully paid thereon, and depositing the same in the United States Mail.

HENRY E. GIBSON & KATHLEEN GIBSON  
 1003 AULOA ROAD  
 KAILUA, HI 96734

Dated this 17 day of June, 1991.

SUBSCRIBED and SWORN to before me this 17<sup>th</sup> day of June, 1991.

*Don Darling*  
 NOTARY PUBLIC FOR OREGON  
 My commission expires: 1-11-94



STATE OF OREGON: COUNTY OF KLAMATH:

Filed for record at request of \_\_\_\_\_ KCTC \_\_\_\_\_ the 17<sup>th</sup> day  
 of June A.D. 19 91 at 1:23 o'clock P.M., and duly recorded in Vol. M91  
 of \_\_\_\_\_ Mortgages \_\_\_\_\_ on Page 11466

Evelyn Beihn - County Clerk

By Don Darling

FEE \$8.00

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