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Vol. 91 Page 23074

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3-28  
9-9-91

## 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 THE BANK OF CALIFORNIA, N.A., Trustee, Sellers under a Contract between THE BANK OF CALIFORNIA, N.A., Trustee, as Sellers and Colin K. Watanabe and Cherie Dee R. Motokana as Purchasers. A Memorandum of said Contract was recorded, 3-30-83, in Volume M83, page 4688, Microfilm Records, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

Lots 3 and 28 in Block 3, 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.

AN AMENDED NOTICE OF DEFAULT AND FORFEITURE OF CONTRACT was mailed to Purchaser June 21, 1991. Copies of said AMENDED 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.

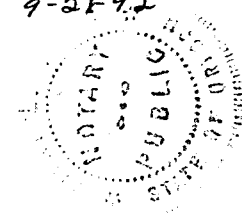
James R. Uerlings #76030

SUBSCRIBED AND SWORN to before me this 9 day of September, 1991

Clark H. Young  
NOTARY PUBLIC FOR OREGON

My Commission Expires: 9-28-92

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



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SEP 91

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SEP 91

23073

DESCRIPTION OF CONTRACT:  
PURCHASER: KOSAKU KIMURA  
SELLER: THE BANK OF CALIFORNIA, N.A., as Trustee  
CONTRACT RECORDED: 12-2-82, vol. M82, Page 16620, Deed of records of Klamath County, dated 7-17-81  
AMOUNT AND TERMS OF CONTRACT: \$18,000.00. \$1,800.00 down, balance of \$16,200.00 at \$232.43 per month starting 10-1-81 until including 12% interest per annum.  
PROPERTY COVERED BY CONTRACT: Lots 10, 11, & 12 in Block 12, Mt. Scott Meadow, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.  
NATURE AND AMOUNT OF DEFAULT: Failure to pay: (A) 98.42 regular monthly payments at \$232.43 or a total of \$22,875.43. (B) Real property taxes in the sum of \$3,405.45 plus interest to date.  
SUM OWING ON OBLIGATION: Principal balance of \$15,059.36 with interest at 12% percent per annum from 11-30-82, plus taxes, fees, and foreclosure costs.  
DATE AFTER WHICH CONTRACT FORFEITED IF DEFAULT NOT CURED: 9-03-91  
If the default is cured as set forth in paragraph 5 of this Notice, the Purchaser and all persons claiming through the Purchaser 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 whom paid under the terms of the contract.  
CURE OF DEFAULT TO AVOID FORFEITURE:  
It is given that forfeiture may be avoided under the Contract by curing the default(s) by payment of the entire amount due, other such portion of principal as would not then be due had no default occurred, and tendering performance of other obligations in full, together with costs and expenses actually incurred in enforcing the contract on or before 9-03-91. AMOUNT TO CURE: \$48.88 as of 4-23-91.  
NAME AND ADDRESS OF SELLER'S ATTORNEY: (Address to Remit Payment)

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

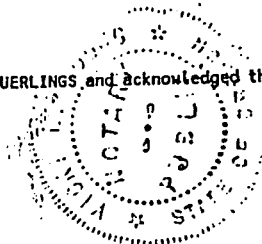
by of this Notice, together with an Affidavit of Mailing shall be recorded.

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

E OF OREGON )  
County of Klamath ) ss.

his 1st day of July, 1991, personally appeared before me the above named JAMES R. UERLINGS and acknowledged the same to be his voluntary act and deed.

*Dick H. Young*  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 9-21-92



PROOF OF MAILING NOTICE OF DEFAULT AND FORFEITURE OF CONTRACT

E OF OREGON )  
COUNTY OF KLAMATH ) ss.

I, James R. Uerlings, being first duly sworn, depose and say: That I am the attorney for The Bank of California, N.A., under a Contract between said parties, The Bank of California, N.A., as Trustee, and KOSAKU KIMURA, as buyer. The contract recorded 12-2-82, in Volume M82, Page 16620, Deed Records, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

Lots 10, 11, & 12 in Block 12, 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.

KOSAKU KIMURA  
45-1042 ANEI ROAD  
KANEHOE, HI 96744

and this 1 day of July, 1991.

*James R. Uerlings*  
JAMES R. UERLINGS

DEPONENT DESCRIBED and SWORN to before me this 1 day of July, 1991.

*Dick H. Young*  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 9-21-92



STATE OF OREGON: COUNTY OF KLAMATH

Filed for record at request of James R. Uerlings the 1st day of July A.D. 19 91 at 4:04 o'clock P M., and duly recorded in Vol. M91 of Mortgages on Page 12637.

FEE \$8.00

INDEXED

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Evelyn Biehn - County Clerk  
By Pauline Muelendore

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 4th day of Nov. A.D. 19 91 at 4:48 o'clock P M., and duly recorded in Vol. M91 of Deeds on Page 23071.

FEE \$none

Evelyn Biehn - County Clerk  
By Pauline Muelendore

(Being Re-Recorded to put in Deed Records)

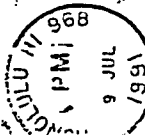
23072

BOVIN, JONES & UERLINGS  
ATTORNEYS AT LAW  
110 N. SIXTH STREET  
KLAMATH FALLS, OREGON 97601-0215

CERTIFIED

P 11A 554 17B

MAILED



RECEIVED JUL 12 1991



REASON CHECKED  
Unintended — ☒ Permitted  
Addressee unknown — ☒ Permitted  
Insufficient Address — ☒ Permitted  
No such street — ☒ Permitted  
No such office in city — ☒ Permitted  
Do not return to this envelope

BOVIN, JONES & UERLINGS  
110 N. SIXTH STREET  
KLAMATH FALLS, OREGON 97601-0215

UNDELIVERABLE AS ADDRESSED  
FORWARDING ORDER EXPIRED