

56593

K-44445

DECLARATION OF FORFEITURE

STATE OF OREGON)

) ss.

County of Klamath)


I, JAMES R. UERLINGS, being first duly sworn depose and say that I am the attorney for Bank of California, as Trustee, under a Contract between said party as vendor, and Tsutomu Yamada, as Purchaser. Said Contract was recorded 12-3-82, in Volume M82, page 16929, Deed Records, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

Lots 11, 12, 15, 16 & 17 in Block 16, Mt. Scott Meadows Subdivision, Tract 1027, 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 October 1, 1992. 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 within 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 15th day of January, 1993.


NOTARY PUBLIC FOR OREGON
My Commission Expires: 1-1-94

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

NOTICE OF DEFAULT AND FORFEITURE

1416

Seller under the Contract described below declares Purchaser is in default for the reasons set forth herein under ORS 93.905 through 93.945.

1. DESCRIPTION OF CONTRACT:

(A) PURCHASER: Tsutomu Yamada
 (B) SELLER: THE BANK OF CALIFORNIA, N.A., as Trustee
 (C) CONTRACT RECORDED: 12-3-82, vol. M82, Page 16929, Deed of records of Klamath County, dated 7-17-81
 (D) AMOUNT AND TERMS OF CONTRACT: \$30,000.00. \$10,000.00 down, balance of \$20,000.00 at \$253.36 per month starting 9-15-81 until paid including 9% interest per annum.
 (E) PROPERTY COVERED BY CONTRACT: Lots 11, 12, 15, 16 & 17 in Block 16, Mt. Scott Meadows Subdivision, Tract 1027, 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.

2. NATURE AND AMOUNT OF DEFAULT: Failure to pay: (A) 77 regular monthly payments at \$253.36 per month for a total past due of \$19,508.72, plus (B) Real property taxes advanced by seller in the sum of \$4,762.79 (C) plus interest to date of payment.

3. SUM OWING ON OBLIGATION: Principal balance of \$15,153.32 with interest at 9% percent per annum from 5-9-85, plus taxes, attorney fees, and foreclosure costs.

4. DATE AFTER WHICH CONTRACT FORFEITED IF DEFAULT NOT CURED: 1-13-93

Unless the default is cured as set forth in paragraph 5 of this Notice, after 1-13-93 the Purchaser and all persons claiming through the Purchaser shall have no further rights in the contract on the property and no person shall have any right to redeem the property; and 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.

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 1-13-93. AMOUNT TO CURE: \$24,931.51, plus interest until paid.

6. NAME AND ADDRESS OF SELLER'S ATTORNEY:

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

(503)884-8101

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

STATE OF OREGON

County of Klamath

ss.

On this 1st day of Oct, 1992, personally appeared before me the above named JAMES R. UERLINGS and acknowledged the above to be his voluntary act and deed.

Shirley F. Hamid
 NOTARY PUBLIC FOR OREGON

My Commission Expires: 9-10-93

PROOF OF MAILING NOTICE OF DEFAULT AND FORFEITURE OF CONTRACT

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., Seller under a Contract between said parties, The Bank of California, N.A., as Trustee, and Tsutomu Yamada, as buyer. The contract was recorded 12-3-82, in Volume M82, Page 16929, Deed Records, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

Lots 11, 12, 15, 16 & 17 in Block 16, Mt. Scott Meadows Subdivision, Tract 1027, 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.

Tsutomu Yamada
 3-5-12 Shitsirigahama-Higashi
 Kanagawa-Ken Japan 248

Tsutomu Yamada
 3-5-12 Shichirigah
 Kanagawa-Ken Japan 24800

Dated this 1st day of Oct, 1992.

SUBSCRIBED and SWORN to before me this 1st day of Oct, 1992.

Shirley F. Hamid
 NOTARY PUBLIC FOR OREGON
 My commission expires: 9-10-93

AFTER RECORDING RETURN TO:
 James R. Uerlings
 110 N. 6th St.
 Klamath Falls, OR 97601

1417

To be filled out by the office of origin.
A remplir par le bureau d'origine.

Registered article Envoi recommandé	<input type="checkbox"/> Letter Lettre	<input type="checkbox"/> Printed Matter Imprimé	<input type="checkbox"/> Other Autre	<input type="checkbox"/> Express Mail International
<input type="checkbox"/> Insured parcel Colis avec valeur déclarée	Insured Value Valeur déclarée		Article No. R 731 042 805	
Office of mailing Bureau or depot			Date of posting Date de depot	
Addressee (Name or firm) Nom ou raison sociale du destinataire Tsutomu Yamada				
Street and No. Rue et No. 3-5-12 Shichirigah				
Place and country Lieu et Pays Kanagawa-Ken Japan 24800				
<p>This receipt must be signed by the addressee or by a person authorized to do so by virtue of the regulations of the country of destination, or, if those regulations so provide, by the employee of the office of destination, and returned by the first mail directly to the sender.</p> <p>Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à l'expéditeur.</p>				
The article mentioned above was duly delivered. L'envoi mentionné ci-dessus a été dûment livré.			Date	
Signature of the addressee Signature du destinataire			Signature of the employee of the office of destination. Signature de l'agent du bureau de destination.	

To be completed at destination.
A compléter à destination.

Postmark of the office of destination
Timbre de Bureau de destination
-9.X.92-18-24
JAPAN

To be filled out by the office of origin.
A remplir par le bureau d'origine.

Registered article Envoi recommandé	<input type="checkbox"/> Letter Lettre	<input type="checkbox"/> Printed Matter Imprimé	<input type="checkbox"/> Other Autre	<input type="checkbox"/> Express Mail International
<input type="checkbox"/> Insured parcel Colis avec valeur déclarée	Insured Value Valeur déclarée		Article No. R 731 042 804	
Office of mailing Bureau or depot			Date of posting Date de depot	
Addressee (Name or firm) Nom ou raison sociale du destinataire Tsutomu Yamada				
Street and No. Rue et No. 3-5-12 Shitsirigahama-Higashi				
Place and country Lieu et Pays Kanagawa-Ken Japan 248				
<p>This receipt must be signed by the addressee or by a person authorized to do so by virtue of the regulations of the country of destination, or, if those regulations so provide, by the employee of the office of destination, and returned by the first mail directly to the sender.</p> <p>Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à l'expéditeur.</p>				
The article mentioned above was duly delivered. L'envoi mentionné ci-dessus a été dûment livré.			Date	
Signature of the addressee Signature du destinataire			Signature of the employee of the office of destination. Signature de l'agent du bureau de destination.	

To be completed at destination.
A compléter à destination.

Postmark of the office of destination
Timbre de Bureau de destination
-9.X.92-18-24
JAPAN

STATE OF OREGON: COUNTY OF KLAMATH: SS.

Filed for record at request of Klamath County Title co the 20th day
of Jan. A.D., 19 93 at 10:01 o'clock A.M., and duly recorded in Vol. M93
of Deeds on Page 1415.

Evelyn Biehn County Clerk

By [Signature]

FEE \$40.00