

56596

K-44444

Volume 93 Page 1424

DECLARATION OF FORFEITURE

STATE OF OREGON )  
 ) ss.  
County of Klamath )

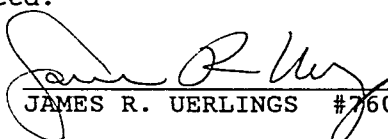
I, JAMES R. UERLINGS, being first duly sworn depose and say that I am the attorney for Bank of California, as Trustee, under a Contract between said party as vendor, and Takao Shimamura, as Purchaser. Said Contract was recorded 12-3-82, in Volume M82, page 16920, Deed Records, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

Lots 5 & 6 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.

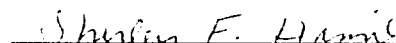
Together with all improvements on said real property presently existing or which may be hereafter added to said property.

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: 4-15-93

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

## NOTICE OF DEFAULT AND FORFEITURE

1425

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: Takao Shimamura  
 (B) SELLER: THE BANK OF CALIFORNIA, N.A., as Trustee  
 (C) CONTRACT RECORDED: 12-3-82, vol. M82, Page 16920, Deed of records of Klamath County, dated 7-17-81  
 (D) AMOUNT AND TERMS OF CONTRACT: \$12,000.00. \$4,000.00 down, balance of \$8,000.00 at \$101.35 per month starting 9-15-81 until paid including 9% interest per annum.  
 (E) PROPERTY COVERED BY CONTRACT: Lots 5 & 6 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) 75 regular monthly payments at \$101.35 per month for a total past due of \$7,601.25, plus (B) Real property taxes advanced by seller in the sum of \$1,874.02 (C) plus interest to date of payment.
3. SUM OWING ON OBLIGATION: Principal balance of \$5,778.70 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:** \$10,105.27, 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.

*James R. Uerlings*  
 JAMES R. UERLINGS OSB #16030  
 Attorney for Seller

STATE OF OREGON        }  
                               } ss.  
 County of Klamath       }

On this 15<sup>th</sup> 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. Hamel*  
 NOTARY PUBLIC FOR OREGON  
 My Commission Expires: 9-10-93

PROOF OF MAILING NOTICE OF DEFAULT AND FORFEITURE OF CONTRACT

STATE OF OREGON        }  
                               } ss  
 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 Takao Shimamura, as buyer. The contract was recorded 12-3-82, in Volume M82, Page 16920, Deed Records, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

Lots 5 & 6 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.

Takao Shimamura  
 3-5-2 Kakinokizaka, Meguro-Ku  
 Tokyo, Japan 104

Dated this 11<sup>th</sup> day of Oct., 1992.

*James R. Uerlings*  
 JAMES R. UERLINGS

SUBSCRIBED and SWORN to before me this 11<sup>th</sup> day of Oct., 1992.

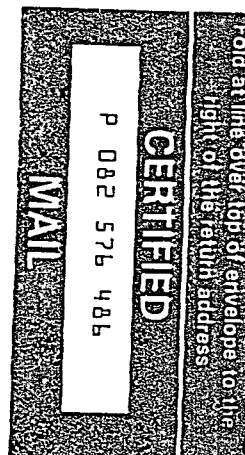
*Shirley F. Hamel*  
 NOTARY PUBLIC FOR OREGON  
 My commission expires: 9-10-92

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



BOIVIN, JONES, UFFELING &  
HILACONI  
ATTORNEYS AT LAW  
110 N. SIXTH STREET  
KLAMATH FALLS, OREGON 97601-6028

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Fold at line over top of envelope to the right of the return address

Takao Shimamura  
3-5-2 Kakinokizaka, Meguro-Ku  
Tokyo, Japan 104



All Entries MUST be in Ball Point or Typed

Customer Completion (Please Print)		Post Office Completion		REGISTERED NO. R 731 042 806
TO	FROM	Reg. Fee \$4.40	Special Delivery \$	
James R. Uffeling 110 N. 6th St. Klamath Falls, OR 97601 TAKAO SHIMAMURA 3-5-2 KAKINOKIZAKA, MEGURO-KU TOKYO, JAPAN 104		Handling \$	Return Receipt \$1.00	
		Postage \$5.00	Restricted Delivery \$	
Customer must declare Full value \$ NV		Received <i>[Signature]</i>	Int'l <input type="checkbox"/>	
		<input type="checkbox"/> With Postal Insurance	<input checked="" type="checkbox"/> Without Postal Insurance	
		\$25,000 Domestic Ins. Limit		

PS Form 3806, RECEIPT FOR REGISTERED MAIL (Customer Copy)  
June 1986 (See Information on Reverse)

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 1424

FEE \$40.00

Evelyn Biehn County Clerk  
By [Signature]