

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

AFFIDAVIT


I, Al Switzer, Chairman of the Klamath County Board of Commissioners, being first duly sworn say:

97 DEC -9 P2:56 1. By Order No. 98-047, dated October 29, 1997, In the Matter of the Cancellation of a Land Sale Agreement with ABC Affiliates, which is attached hereto and incorporated herein, the Klamath County Board of Commissioners cancelled the Agreement with ABC Affiliates. The Agreement dated July 5, 1995, between Klamath County and ABC Affiliates was cancelled and declared null and void in accordance with Section 8 of this Agreement for failure to pay past due payment of \$1,680.61.

2. The Order was served in accordance with ORS 275.220 on November 5, 1997, and ABC Affiliates was given twenty (20) days within which to appeal the Order.

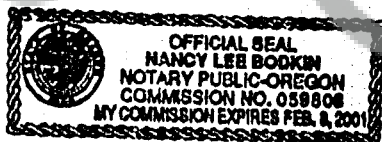
3. The time for ABC Affiliates to respond has expired and no appeal has been received.

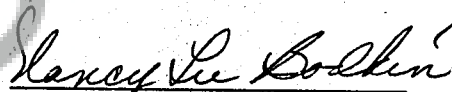
DONE and DATED this 8th day of December, 1997.



Al Switzer

SUBSCRIBED and sworn to before me this 8th day of December, 1997.





Nancy Lee Bodkin
Notary Public for Oregon
My Commission expires 2-8-01

39988

KLAMATH COUNTY SHERIFF'S OFFICE - RETURN OF SERVICE

State of Oregon)
 County of Klamath)

Court Case No. 98-047
 Sheriff's Case No. 97-03541

AL
 BILL
 STEVE

Received for Service 10/31/97

RETURN TO

I hereby certify that I received for service on
 ABC AFFILIATES
 the within:

RECEIVED

NOV 14 1997

IN THE MATTER OF THE CANCELLATION OF A LAND SALE
 AGREEMENT WITH ABC AFFILIATES

by Board of Commissioners

ABC AFFILIATES

was served by leaving a true copy of the process with
 PARKER, ANN
 of said business, at 1115 E MAIN
 KLAMATH FALLS
 09:50 hours.

, OR, on 11/05/97, at

RECEIVED
 DEC 02 1997
 K. C. PROPERTY SALES

All search and service was made within Klamath County, State of
 Oregon.

Carl R. Burkhardt, Sheriff
 Klamath County, Oregon

By
 LEWIS, STEVE

Copy to:

KLAMATH COUNTY COMMISSIONERS
 409 PINE STREET
 KLAMATH FALLS

OR 97601

00000
COPY

CERTIFIED COPY *ma teater*

39989

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

**IN THE MATTER OF THE CANCELLATION,
OF A LAND SALE AGREEMENT WITH
ABC AFFILIATES**

ORDER 98-047

WHEREAS, ABC Affiliates entered into an agreement with Klamath County on July 5, 1995, for the purchase of real property described as:

Lot 4, Block 63, Klamath Falls Forest Estates Highway 66 Unit Plat No. 3, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, **SUBJECT TO** Covenants, conditions, reservations, easements, restrictions, rights, rights of way and all matters appearing of record, for the sum of \$8,480.00. A down payment of \$2,500.00 was made the day of the sale and the sum of \$1,734.20 was paid as the first annual installment due July 5, 1996; and

WHEREAS, ABC Affiliates failed to make the July 5, 1997, annual installment as required by Section 8 of the Land Sale Agreement, and is now in default under the terms of the Land Sale Agreement; and

WHEREAS, on August 12, 1997, a letter was mailed regular and certified to ABC Affiliates requesting the annual installment in the amount of \$1,680.61 be paid in full on the real property by September 12, 1997. The certified mail was returned to Klamath County Property Sales Department on August 28, 1997, as unclaimed; and

WHEREAS, a final notice was mailed regular and certified on September 30, 1997, requesting the remaining balance, interest and recording fee in the amount of \$5,063.80 be paid by October 10, 1997; and

WHEREAS, on October 15, 1997, ABC Affiliates request to make the July 5, 1997, annual installment by paying \$200.00 now, \$100.00 in two or three weeks and more at a later date was denied by the Board of County Commissioners; and

WHEREAS, no payment has been made and the Land Sale Agreement is now in **DEFAULT**.

NOW, THEREFORE, IT IS HEREBY ORDERED, that the Land Sale Agreement between Klamath County and ABC Affiliates dated July 5, 1995, is hereby declared null and void. A certified copy of this Order shall be served as summons is served by the Sheriff to ABC Affiliates at their last known address being: 1115 East Main Street, Klamath Falls, OR 97601.

39990

NOTE: PURSUANT TO ORS 275.220 (2) WITHIN TWENTY (20) DAYS AFTER THE SERVICE OF THIS ORDER OF CANCELLATION UPON THE HOLDER, THE HOLDER OF THE CANCELED CONTRACT MAY APPEAL FROM SUCH ORDER TO THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE LAND IS LOCATED. THE APPEAL SHALL BE TRIED BY THE COURT AS AN ACTION NOT TRIABLE BY RIGHT TO A JURY. IF APPEAL IS NOT SO TAKEN OR IF IT RESULTS UPON TRIAL IN AN AFFIRMANCE OF THE ORDER OF CANCELLATION, SUCH ORDER SHALL BECOME ABSOLUTE AND THE REAL PROPERTY SO FORFEITED AGAIN MAY BE SOLD, WITHOUT NOTICE.

DONE and DATED this 29th day of October, 1997.

BOARD OF COUNTY COMMISSIONERS

Al Switzer, Chairman of the Board

William R. Garfield, County Commissioner

M. Steven West, County Commissioner

SUBSCRIBED and SWORN to before me this 29th day of October, 1997.



Nancy Lee Bodkin
Notary Public of Oregon
My Commission Expires Feb. 8, 2001

Until a change is requested
this Document & tax notices
shall be sent to: **KLAMATH COUNTY**

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Bd. of Commissioners the 9th day
of December A.D., 19 97 at 2:56 o'clock p M., and duly recorded in Vol. M97
of Deeds on Page 39987

FEE No Fee

By Bernetha G. Letsch, County Clerk
Bodkin