

BOARD OF COUNTY COMMISSIONERS

200 FEB 25 AM 9:15

KLAMATH COUNTY, OREGON

AFFIDAVIT

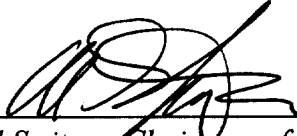
I, Al Switzer, Chairman of the Klamath County Board of Commissioners, being first duly sworn say:

1. By Order No. 2000-073, dated January 25, 2000, which is attached hereto and incorporated herein, the Land Sale Agreement dated August 14, 1997, between Klamath County and Eugene Frizzell was cancelled and declared null and void in accordance with Sections 2 and 3 of this Agreement for failure to pay the past due payment of \$2,048.24 and the 1998 taxes.

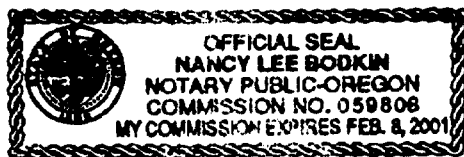
2. The Order was served in accordance with ORS 275.220 on January 31, 2000. Brad Aspell the attorney for the Estate of Eugene Frizzell was given twenty (20) days within which to appeal the Order.

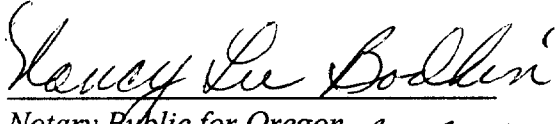
3. The time to respond has expired and no appeal has been received.

DONE and DATED this 22nd day of February, 2000.


Al Switzer, Chairman of the Board

SUBSCRIBED and sworn to before me this 22nd day of February, 2000.




Nancy Lee Bodkin
Notary Public for Oregon
My Commission expires Feb 8, 2001

After recording return to:
Property Sales Dept.

5812

KLAMATH COUNTY SHERIFF'S OFFICE - RETURN OF SERVICE

RECEIVED

FEB - 3 2000

by Board of Commissioners

State of Oregon)
County of Klamath)

Court Case No. 2000-073
Sheriff's Case No. 00-00300

Received for Service 01/28/00

I hereby certify that I received for service on
ASPELL, DELLA-ROSE & RICHARD, ATTORNEYS AT LAW
the within:

CANCELLATION OF LAND SALE AGREEMENT

ASPELL, DELLA-ROSE & RICHARD, ATTORNEYS AT LAW
was served by leaving a true copy of the process with
JOHNSTON, JESSICA
of said business, at 122 S 5TH ST
KLAMATH FALLS , OR, on 01/31/00, at
14:15 hours.

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

Carl R. Burkhardt, Sheriff
Klamath County, Oregon

By Terri Alexander
ALEXANDER, TERRI L

Copy to:

KLAMATH COUNTY COMMISSIONERS
409 PINE STREET
KLAMATH FALLS

OR 97601

RECEIVED
FEB 3 4 2000
K. C. PROPERTY SALES

200 JAN 27 PM 12:05

BOARD OF COUNTY COMMISSIONERS**KLAMATH COUNTY, OREGON**

*In the Matter of the Cancellation of a Land
Sale Agreement with Eugene Frizzell*

)
)

Order No. 00 - 2000-073

WHEREAS, Eugene Frizzell entered into an agreement with Klamath County on August 14, 1997, for the purchase of real property described as:

The SE¼ of the NE¼ of Section 22, Township 35 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon. **SUBJECT TO** Covenants, conditions, reservations, easements, restrictions, rights, rights of way and all matters appearing of record.

WHEREAS, the property was purchased for the sum of \$3,000.00 and a down payment of \$750.00 was made the day of the sale and the sum of \$652.50 was paid as the first annual installment due August 14, 1998; and

WHEREAS, on December 8, 1998, Eugene Frizzell passed away. On or around January 26, 1999, the law office of Brad Aspell representing the Estate of Eugene Frizzell contacted Property Sales Dept. regarding the status of the agreement. On August 3, 1999, a notice was mailed regular and certified to the law office for payments for the 1998 taxes and the August 14, 1999, annual installment as required by Sections 2 and 3 of the Land Sale Agreement. The payments are now in default under the terms of the Land Sale Agreement; and

WHEREAS, on November 22, 1999, a letter was mailed regular and certified to the law office requesting the annual installment in the amount of \$672.36 and the 1998 taxes be paid in full by December 27, 1999. A return receipt to Klamath County Property Sales Department was received on November 23, 1999; and

WHEREAS, a final notice was mailed regular and certified on January 3, 2000, requesting the remaining balance, interest and recording fee in the amount of \$2,048.24 plus the 1998 taxes be paid by January 7, 2000; 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 Eugene Frizzell dated August 14, 1997, is hereby declared null and void. A certified copy of this Order shall be served as summons is served by the Sheriff to the law office of Brad Aspell for the Estate of Eugene Frizzell at 122 S. 5th Street, Klamath Falls, OR 97601.

2764

NOTE: Pursuant to ORS 275.220 (2) within twenty (20) days after the service of the 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 25th day of January, 2000.

BOARD OF COUNTY COMMISSIONERS

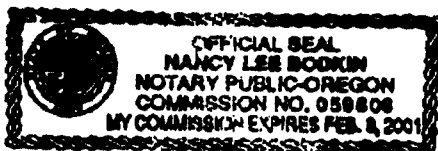

Al Switzer, Chairman of the Board

Out of Office Today

William R. Garrard, County Commissioner


M. Steven West, County Commissioner

SUBSCRIBED and SWORN to before me this 25th day of January, 2000.




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
Recorded 1/27/00, at 12:05 p m.
In Vol. M00 Page 2763
Linda Smith,
County Clerk Fee\$ 0

Page 2 of 2

State of Oregon, County of Klamath
Recorded 2/25/00, at 9:15 a m.
In Vol. M00 Page 5811
Linda Smith,
County Clerk Fee\$ NC