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Vol M04 Page 71109

BOARD OF COUNTY COMMISSIONERS State of Oregon, County of Klamath
KLAMATH COUNTY, OREGON

Recorded 10/19/04 2:00 P m
Vol M04 Pg 71109-11
Linda Smith, County Clerk
Fee \$ NC # of Pgs 3

AFFIDAVIT


I, John Elliott, Chairman of the Klamath County Board of Commissioners, being first duly sworn say:

1. By Order No. 2005-006, dated July 27, 2004, which is attached hereto and incorporated herein, the Memorandum of Land Sale Agreement dated May 9, 2003, and recorded on May 19, 2003, in Volume M03, Page 33393 between Klamath County and Edward P. O'Neill has been cancelled and declared null and void in accordance with Section 9 of the Agreement for failure to pay the May 9, 2004, annual installment and 2003 taxes.

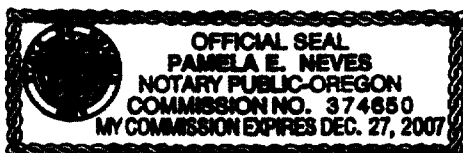
2. The Order was served in accordance with ORS 275.220 on August 6, 2004, and re-served on August 31, 2004. Edward P. O'Neill was given 20 days within which to appeal the Order.

3. The time for Edward P. O'Neill to respond has expired and no appeal has been received.

DONE and DATED this 19th day of October, 2004.


John Elliott, Chairman of the Board

SUBSCRIBED and sworn to before me this 19th day of October, 2004.




Notary Public for Oregon
My Commission expires 12/27/07

NC Rt: Property Sales

'04 JUL 30 AM9:09

Vol M04 Page 49885

State of Oregon, County of Klamath
Recorded 07/30/04 9:09 a m
Vol M04 Pg 49885-86
Linda Smith, County Clerk
Fee \$ NC # of Pgs 2

'04 JUL 30 11:40

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

Vol M04 Page 57886

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*In the Matter of the Cancellation of a Land
Sale Agreement with Edward P. O'Neill*

)
)

Order 2005 - 006

WHEREAS, Edward P. O'Neill entered into an agreement with Klamath County on May 9, 2003, for the purchase of real property described as:

Lot 6, Block 63, Fifth Addition To Nimrod River Park, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, and the W½ NE¼ NE¼ SE¼ NE¼ of Section 1, Township 36 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 real property was purchased for the sum of \$2,100.00 and a down payment of \$525.00 was made on May 9, 2003; and

WHEREAS, Edward P. O'Neill failed to make the May 9, 2004, annual installment and 2003 taxes as required by Sections 2, 3, 8 and 9 of the Land Sale Agreement. The installment and taxes are now in default under the terms of the Land Sale Agreement; and

WHEREAS, on May 26, 2004, a letter was mailed regular and certified to Edward P. O'Neill requesting the May 9, 2004, annual installment in the amount of \$703.22 and the 2003 taxes in the amount of \$35.98 be paid in full on the real property by June 25, 2004, or the county would declare the entire balance due and payable. A return receipt to Klamath County Property Sales Department was received on June 17, 2004; and

WHEREAS, a final notice was mailed regular and certified on June 29, 2004, requesting the remaining balance, interest and recording fee in the amount of \$1,780.26 and the 2003 taxes in the amount of \$35.98 be paid by July 9, 2004; and

WHEREAS, no payments have 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 Edward P. O'Neill dated May 9, 2003, is hereby cancelled. A certified copy

Page 1 of 1

***This Order is being rerecorded to correct the date of signing to be July 27, 2004, previously recorded in Volume M04, Page 49885.

NC Rt: Property Sales

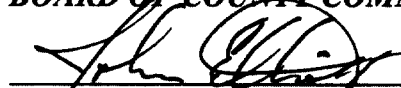
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of this Order shall be mailed certified mail to Edward P. O'Neill at his last known mailing address being: P O Box 8173, Bend, OR 97708.

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 27th day of July, 2005.

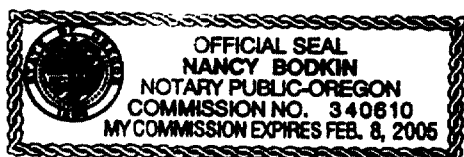
BOARD OF COUNTY COMMISSIONERS



John Elliott, Chairman of the Board


Al Switzer, County Commissioner


M. Steven West, County Commissioner

SUBSCRIBED and SWORN to before me this 27th day of July, 2005.




Notary Public of Oregon
My Commission Expires Feb 8, 2005

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

State of Oregon, County of Klamath
Recorded 08/31/04 11:40 a m
Vol M04 Pg 57886-87
Linda Smith, County Clerk
Fee \$ NC # of Pgs 2