

2006-020557

Klamath County, Oregon



00006146200600205570050058

10/12/2006 01:43:19 PM

Fee: \$41.00

AFFIDAVIT AND  
DECLARATION OF FORFEITURE  
AND ABANDONMENT  
OF REAL ESTATE CONTRACT

After recording, return to:  
Justin Throne  
Attorney at Law  
280 Main Street  
Klamath Falls, Oregon 97601

I, Justin Throne, being duly sworn state and declare as follows:

1. A Notice of Forfeiture and Abandonment of real estate contract, pursuant to contract terms and Oregon law, including ORS 93.905 to 93.940, was recorded in Klamath County Records at M06, Page 12760 and pages following, regarding that certain contract between Michael B. Jager and Margaret H. Jager, as Trustees of the Jager Family Trust Agreement. Dated October 15, 1991 and Clark J. Kenyon and Georgiana K. Kenyon, referred to herein as "Sellers" and George E. Parazoo and Flora M. Parazoo, husband and wife, referred to herein as "Purchasers." Said contract was for the sale of real property located in Klamath County, Oregon, more particularly described as:

Lot 4 in Block 8 and 1/49th of Lot 1 Block 11 in Tract 1161, High Country Ranch, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

2. Said Contract was recorded January 6, 1997 at M97, Page 228, Records of Klamath County, State of Oregon.

3. I am attorney for Sellers

4. An Affidavit of Mailing said Notice of Forfeiture and Abandonment of real estate contract was recorded in Klamath County Records at M06, Page 12761. No extension of time for cure of Defaults has been executed or recorded by Sellers.

5. Copies of said Notice and said Affidavit of Mailing are attached hereto.

6. The default of the Purchasers under the terms of said contract was not cured within the time period provided in ORS 93.915 and it is hereby declared that said contract has been forfeited and said contract is forfeited and abandoned.

Justin Throne, Attorney for Sellers.

STATE OF OREGON            )  
  ) ss.  
County of Klamath         )

Personally appeared before me the above named JUSTIN THRONE, this 6<sup>th</sup>  
day of October, 2006, and, being duly sworn, acknowledged the above instrument to be  
his voluntary act and deed.



Jan L. Chrowl  
Notary Public for Oregon  
My Commission expires: 8-29-08

NOTICE OF FORFEITURE  
AND ABANDONMENT OF  
REAL ESTATE CONTRACT

After recording, return to:

Justin Throne  
Attorney at Law  
280 Main Street  
Klamath Falls, Oregon 97601STATE OF OREGON       )  
COUNTY OF KLAMATH )

I certify that the within instrument was received for  
recording on \_\_\_\_\_ at \_\_\_\_\_  
o'clock \_\_M., and recorded in book/reel/volume No. \_\_\_\_\_  
on page \_\_\_\_\_ and/or as fee/ file / instrument / microfilm  
/ reception No. \_\_\_\_\_, Records of this County.  
Witness my hand and seal of County affixed.

Name

Title

By \_\_\_\_\_, Deputy.

Notice is hereby given as follows:

1. This notice is a Notice of Forfeiture and Abandonment of real estate contract, which notice is pursuant to contract terms and Oregon law, including ORS 93.905 to 93.940, and is declaration and notice of forfeiture and abandonment of that certain contract between Michael B. Jager and Margaret H. Jager, as Trustees of the Jager Family Trust Agreement. Dated October 15, 1991 and Clark J. Kenyon and Georgiana K. Kenyon, referred to herein as "Sellers" and George E. Parazoo and Flora M. Parazoo, husband and wife, referred to herein as "Purchasers." Said contract is for the sale of real property located in Klamath County, Oregon, more particularly described as:

Lot 4 in Block 8 and 1/49th of Lot 1 Block 11 in Tract 1161, High Country Ranch, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

Said Contract was recorded January 6, 1997 at M97, Page 228 , records of Klamath County, State of Oregon.

2. The nature of Purchasers' defaults are:

- a. Failure to timely make the payment in the amount of \$149.00 on the first day of February, 2004 and failure to make payments of \$149.00 on the first day of each month thereafter.
- b. Failure to pay real property taxes to Klamath County, Oregon, due and payable as follows:

- \$668.04 for the tax year 2002, plus accruing interest.
- \$609.10 for the tax year 2003, plus accruing interest.
- \$541.31 for the tax year 2004, plus accruing interest.
- \$489.39 for the tax year 2005, plus accruing interest.

3. The Date after which said Contract shall be forfeited if there is a failure to cure the defaults is September 30, 2006, at 5:00 p.m.

Justin Throne, Attorney at Law  
280 Main Street  
Klamath Falls, Oregon 97601  
Telephone: 541-882-4436

5. The above named purchasers in default or others pursuant to law may avoid a forfeiture under the contract or its abandonment by curing all defaults before expiration of the notice period. As regards the default consisting of failure to pay sums when due under the contract, the non-payment defaults may be cured by paying the entire amount due, other than sums that would not then be due had no default occurred, at the time of cure under the terms of the contract. Any default other than failure to pay sums due under the contract may be cured by tendering the performance required under the contract. In addition to paying the sums and tendering the performance necessary to cure the default, the person effecting the cure of the default shall pay all costs and expenses actually incurred in enforcing the contract, including, but not limited to, late charges, attorney fees, and costs of title search as provided by Oregon law. The Sellers may elect to pay additional costs, including back taxes; if so, cure shall include payment to Sellers such amounts plus interest at the rate stated in the contract.

*[Signature]*

JUSTIN THRONE, Attorney for Sellers.

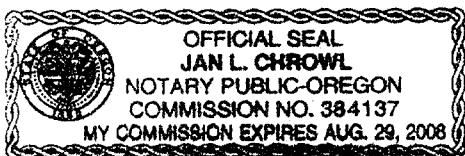
STATE OF OREGON     ]  
County of Klamath         ] ss.

Personally appeared before me the above named JUSTIN THRONE, and acknowledged the above instrument to be his voluntary act and deed.

Paul H. Brown

Notary Public for Oregon

My Commission expires: 8-29-08



AFFIDAVIT OF MAILING OF  
NOTICE OF FORFEITURE  
OF REAL ESTATE  
CONTRACT

After recording, return to:

Justin Throne  
Attorney at Law  
280 Main Street  
Klamath Falls, Oregon 97601

STATE OF OREGON )  
COUNTY OF KLAMATH )

I certify that the within instrument was received for recording on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ and/or as fee/ file / instrument / microfilm / reception No. \_\_\_\_\_, Records of this County.

Witness my hand and seal of County affixed.

Name

Title

By \_\_\_\_\_, Deputy

STATE OF OREGON ]  
] ss.  
County of Klamath ]

I, JUSTIN THRONE, being first duly sworn, say:

I mailed, by both first class and certified mail with return receipt requested, a copy of that Notice of Forfeiture of Real Estate Contract, copy of which is attached, to the following persons and last known addresses, on June 21, 2006:

First Resolution Investment Corporation  
P.O. Box 34000  
Seattle, Washington 98124-1000

George E. Parazoo  
HC4 Box 534  
Doniphan, Missouri 63935

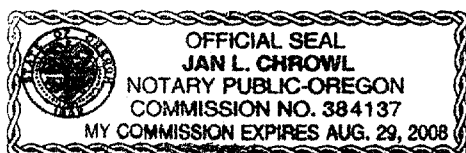
Derrick E. McGavic  
Attorney for First Resolution Investment Corporation  
941 West Third Avenue  
PO Box 10163  
Eugene, Oregon 97440

Flora M. Parazoo  
13333 N. Meadowlark  
Bonanza Oregon 97623

George E. Parazoo  
13333 N. Meadowlark  
Bonanza Oregon 97623

Flora M. Parazoo  
HC4 Box 534  
Doniphan, Missouri 63935

SUBSCRIBED AND SWORN to before me this 21 day of June, 2006.



Janet L. Chrowl  
Notary Public for Oregon

My Commission Expires: 8-29-08