

2008-002463

Klamath County, Oregon



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Fee: NO FEE

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

In the Matter of two Land Sale Agreements between  
Klamath County and Richard A. Barnett Declared  
Cancelled )  
)  
)

Order 2008 - 083

**WHEREAS**, Richard A. Barnett entered into two agreements with Klamath County on June 1, 2006, for the purchase of real properties described as: The SE¼ NW¼ of Section 21, Township 35 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon. And The NE¼ SE¼ NE¼ of Section 32, Township 35 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon.

**WHEREAS**, the real properties were purchased for the sums of \$22,500.00 and \$11,800.00 with down payments of \$5,625.00 and \$2,950.00 made the day of the sale; the first annual installments with interests in the amounts of \$5,062.50 and \$2,644.00 were due June 1, 2007; and

**WHEREAS**, Richard A. Barnett has failed to make the first annual installments with interests and the 2006 fiscal year taxes as required by Sections 2, 3 and 8 of the Land Sale Agreements, and is now in default under the terms of the Land Sale Agreements; and

**WHEREAS**, on June 20, 2007, a letter and Notices of Statements were mailed regular and certified mail to Richard A. Barnett requesting the first annual installments with interests and the 2006 taxes totalling \$8,083.99 and \$174.11 be paid on the real properties by July 23, 2007, in order to avoid cancelling the Land Sale Agreements dated June 1, 2006. A return receipt to Klamath County Property Sales Department was received on July 3, 2007; and

**WHEREAS**, on August 1, 2007, a Notice was mailed regular and certified mail granting an extension to make the first annual installments with interests and the 2006 taxes totalling \$8,358.86 and \$176.27 be paid by August 31, 2007. The regular mail received and the certified mail was returned "unclaimed" to Klamath County Property Sales Department on August 21, 2007; and

**WHEREAS**, conversations and e-mails with Richard A. Barnett in October and November 2007, requesting an additional extension be given to make the interests only by November 15, 2007, and the annual installments before June 1, 2008, was granted, because one parcel was in escrow and Richard A. Barnett wasn't sure if escrow would close by November 15, 2007, and

**WHEREAS**, the title company determined a short fall on the property and title insurance was not given and escrow did not close; and

**WHEREAS**, on January 2, 2008, a final notice was mailed regular and certified mail requesting the interests and two-sixth payments of the annual installments plus the 2006 taxes totalling \$5,724.49 and \$184.86 be paid on the real properties by January 10, 2008. If full payments were not received by the deadline given, the balances, interests, recording fees and 2006 taxes totalling \$29,946.43 and \$184.86 would need to reach Property Sales Department by 5 p.m. on January 15, 2008, in order to avoid cancelling the Land Sale Agreements dated June 1, 2006; and

**WHEREAS**, no payments have been made and the Land Sale Agreements are now in Default.

**NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED**, that the two Land Sale Agreements between Klamath County and Richard A. Barnett dated June 1, 2006, are hereby declared cancelled. A certified copy of this Order shall be served by mailing it to the holder by registered mail or by certified mail with return receipt at the last known address of the holder being: P O Box 123, Macdoel, CA 96058-0123. **NOTE:** Pursuant to ORS 275.220 (2) within 20 days after the service of this order of cancellation upon the holder, the holder of the canceled land sale contracts may appeal from the order to the circuit court for the county in which the lands are located. The circuit court shall try the appeal as an action not triable by right to a jury. If appeal is not taken or if it results upon trial, in an affirmance of the order of cancellation, the order becomes absolute and the real properties forfeited may be sold without notice.

DONE and DATED this 26<sup>th</sup> day of February, 2008.

BOARD OF COUNTY COMMISSIONERS

Wm. A. Switzer, Chairman of the Board

Wm. R. Brown, Co Commissioner

John W. Elliott, Co Commissioner

SUBSCRIBED and SWORN to before me this 26<sup>th</sup> day of February, 2008.



Notary Public of Oregon  
My Commission Expires Apr. 11, 2010

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