

2008-016055

Klamath County, Oregon



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12/03/2008 11:23:46 AM

Fee: NO FEE

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

AFFIDAVIT OF DEFAULT OF LAND SALE AGREEMENT(S)


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

1. By Order No. 2009-025, dated November 4, 2008, and recorded on November 4, 2008, in Volume and Page 2008-014948 which is attached hereto and incorporated herein, the Land Sale Agreement dated May 24, 2007, recorded on June 6, 2007, in Volume and Page 2007-010129 between Klamath County and Dominic E. Hayden was cancelled and declared null and void in accordance with Sections 2, 3 and 8 of this Agreement for failure to pay the past due payment and 2007 taxes.

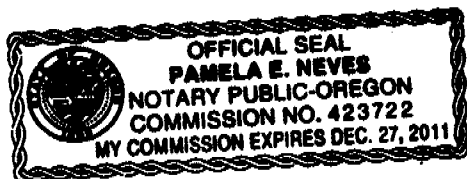
2. The Order was served in accordance with ORS 275.220 on Dominic E. Hayden, and was given twenty (20) days within which to appeal the Order.


3. The time for Dominic E. Hayden to respond has expired and no appeal has been received.

DONE and DATED this 3rd day of December, 2008.


Chairman of the Board

SUBSCRIBED and sworn to before me this 3rd day of December, 2008.




Notary Public for Oregon
My Commission expires 12/27/11

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

*In the Matter of Declaring a Land Sale Agreement between Klamath)
County and Dominic E. Hayden in Default and Cancelled)*

Order No. 2009 - 025

WHEREAS, Dominic E. Hayden entered into a Land Sale Agreement with Klamath County on May 24, 2007, for the purchase of real property described as:

Lot 13, Block 5, Chiloquin Drive Addition To Chiloquin, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Subject to covenants, conditions, restrictions, easements, reservations, rights, rights of way and all matters appearing of record.

WHEREAS, the real property was purchased for the sum of \$10,500.00 and a down payment of \$2,625.00 was made the day of the sale; the first annual installment plus interest in the amount of \$2,362.50 due May 24, 2008, and the 2007 taxes have not been made; and

WHEREAS, Dominic E. Hayden failed to make the annual installment and 2007 taxes as required by Sections 2, 3 and 8 of the Land Sale Agreement, and is now in default under the terms of the Land Sale Agreement; and

WHEREAS, on July 14, 2008, a letter, Notice of Statement and tax printout were mailed regular and certified mail to Dominic E. Hayden requesting the May 24, 2008, annual installment in the amount of \$2,541.58 and the 2007 taxes in the amount of \$249.20 be paid in full on the real property by August 15, 2008, in order to avoid cancelling the Land Sale Agreement dated May 24, 2007. A return receipt to Klamath County Property Sales Department dated July 23, 2008, was received on July 28, 2008; and

WHEREAS, a final notice was mailed regular and certified mail on August 26, 2008, requesting the remaining balance, interest and recording fee in the amount of \$8,907.88 and the 2007 taxes in the amount of \$252.28 were to be received by September 5, 2009, in order to avoid cancelling the Land Sale Agreement. A return receipt to Klamath County Property Sales dated September 2, 2008, was received on September 4, 2008; and

WHEREAS, on September 3, 2008, per a phone conversation with Dominic E. Hayden requesting an extension be given to payoff the Land Sale Agreement by September 30, 2008, was followed up with a Notice mailed regular and certified mail on September 3, 2008, granting the extension, if the 2007 taxes were paid by September 5, 2008. A return receipt to Klamath County Property Sales was received on September 16, 2008; and

WHEREAS, on October 8, 2008, a final notice, Notice of Statement and tax printout were mailed regular and certified mail regarding the deadline for payment on the 2007 taxes was not met; and the balance, interest, recording fee and 2007 taxes in the amount of \$9,254.76 was to reach Property Sales Dept by 5 p.m. on October 16, 2008, in order to avoid cancelling the Land Sale Agreement dated May 24, 2007; and


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

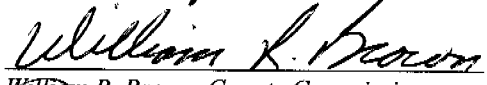
***NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED**, that the Land Sale Agreement between Klamath County and Dominic E. Hayden dated May 24, 2007, is hereby declared in default and cancelled. A certified copy of this Order shall be served as a summons is served by the sheriff upon the holder of the canceled land sale contract if found within the county. If holder is not found within the county, a certified copy of the 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: 1221 East St, Klamath Falls, OR 97601.*

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 LAND SALE CONTRACT MAY APPEAL SUCH ORDER TO THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE LAND IS LOCATED. THE CIRCUIT COURT SHALL TRY THE APPEAL 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, THE ORDER BECOMES ABSOLUTE AND THE REAL PROPERTY FORFEITED MAY BE SOLD, WITHOUT NOTICE.

DONE and DATED this 4th day of November 2008

BOARD OF COUNTY COMMISSIONERS

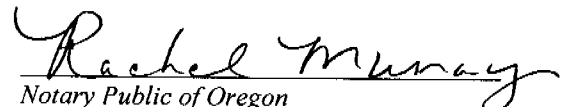

William A. Switzer, Chairman of the Board


William R. Brown, County Commissioner


John W. Elliott, County Commissioner

State of Oregon
County of Klamath

Signed and sworn to (or affirmed) before me on November 4, 2008
by William A. Switzer, William R. Brown + John W. Elliott
as Commissioners of Klamath County, a political subdivision
of the State of Oregon


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**

