



12/17/2008 08:25:06 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. 2008-028, dated November 12, 2008, and recorded on November 14, 2008, in Volume and Page 2008-015427 which is attached hereto and incorporated herein, the Land Sale Agreements dated May 24, 2007, and recorded on June 6, 2007, in Volume and Page 2007-010130, Volume and Page 2007-010131, Volume and Page 2007-010132 & Volume and Page 2007-010133, between Klamath County and Gary A. Kitzrow were declared in default and cancelled in accordance with Sections 2, 3 and 8 of the Agreements for failure to pay the past due payments and 2007 taxes.

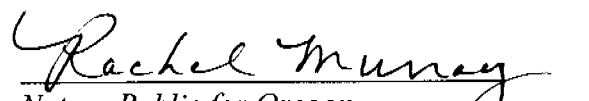
2. The Order was served in accordance with ORS 275.220 on Gary A. Kitzrow, and was given twenty (20) days within which to appeal the Order.

3. The time for Gary A. Kitzrow to respond has expired and no appeal has been received.

DONE and DATED this 16th day of December, 2008.


Chairman of the Board

SUBSCRIBED and sworn to before me this 16th day of December 2008.


Notary Public for Oregon
My Commission expires Apr. 11, 2010



2008-015427

Klamath County, Oregon

00056270200800154270020022

11/14/2008 11:58:00 AM

Fee: NO FEE

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

*In the Matter of Declaring four Land Sale Agreements between
Klamath County and Gary A. Kitzrow in Default and Cancelled*)

Order No. 2009 028

WHEREAS, Gary A. Kitzrow entered into four Land Sale Agreements with Klamath County on May 24, 2007, for the purchases of real properties described as:

Lots 4 and 10, Block 31, Lot 26, Block 27, Fourth Addition To Nimrod River Park and Lot 11, Block 18, Second Addition to Nimrod River Park, 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 properties were purchased for the sums of \$8,000.00, \$7,750.00, \$10,200.00 and \$9,300.00 and down payments of \$2,000.00, \$1,937.50, \$2,550.00 and \$2,325.00 were made the day of the sale; the first annual installments plus interests in the amounts of \$1,800.00, \$1,743.75, \$2,295.00 and \$2,092.50 due May 24, 2008, and the 2007 taxes have not been made; and

WHEREAS, Gary A. Kitzrow failed to make the annual installments and 2007 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 July 14, 2008, a letter, Notice of Statements and tax printouts were mailed regular and certified mail to Gary A. Kitzrow requesting the May 24, 2008, annual installments totalling \$8,532.43 and the 2007 taxes totalling \$154.36 be paid in full on the real properties by August 15, 2008, in order to avoid cancelling the Land Sale Agreements dated May 24, 2007. A signed return receipt to Klamath County Property Sales Department dated July 16, 2008, was received on July 21, 2008; and

WHEREAS, on August 21, 2008, per a phone conversation with Gary A. Kitzrow requesting an extension be given to make the annual installments by March 31, 2009, was followed up with a Notice mailed regular and certified mail on August 21, 2008, granting the extension, if the 2007 taxes were paid by August 25, 2008. A signed return receipt to Klamath County Property Sales dated August 23, 2008, was received on August 26, 2008; and

WHEREAS, on October 8, 2008, a final notice, Notice of Statements and tax printouts were mailed regular and certified mail regarding the deadline for payment on the 2007 taxes was not met; and the balances, interests, recording fees and 2007 taxes in the amount of \$30,375.56 was to reach Property Sales Dept by 5 p.m. on October 16, 2008, in order to avoid cancelling the Land Sale Agreements dated May 24, 2007; and

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

NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED, that the Land Sale Agreements between Klamath County and Gary A. Kitzrow dated May 24, 2007, are 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 contracts 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: 244 Apple Blossom Ln, Roseburg, OR 97470-8502.

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 CONTRACTS MAY APPEAL SUCH ORDER TO THE CIRCUIT COURT FOR THE

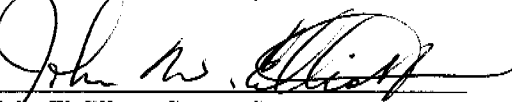
COUNTY IN WHICH THE LANDS ARE LOCATED. THE CIRCUIT COURT SHALL TRY THE APPEAL AS AN ACTION NOT TRIABLE BY RIGHT TO A JURY. IF APPEAL IS NOT SO TAKEN OR IF IT RESULTS UPON TRIAL IN AN AFFIRMANCE OF THE ORDER OF CANCELLATION, THE ORDER BECOMES ABSOLUTE AND THE REAL PROPERTIES FORFEITED MAY BE SOLD, WITHOUT NOTICE.

DONE and DATED this 12 day of November 2008

BOARD OF COUNTY COMMISSIONERS


William A. Switzer, Chairman of the Board

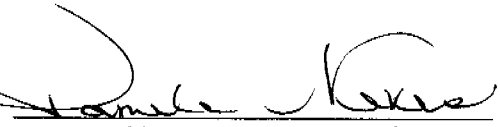

William R. Brown, County Commissioner


John W. Elliott, County Commissioner

State of Oregon
County of Klamath

Signed and sworn to (or affirmed) before me on November 12, 2008
by William A. Switzer, Chairman, Bill Brown & John Elliott
as Klamath County Commissioners, a political subdivision
of the State of Oregon




Notary Public of Oregon
My Commission Expires 12/27/11

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