

2009-004296

Klamath County, Oregon



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**BOARD OF COUNTY COMMISSIONERS**

**KLAMATH COUNTY, OREGON**

**AFFIDAVIT OF DEFAULT OF LAND SALE AGREEMENT(S)**

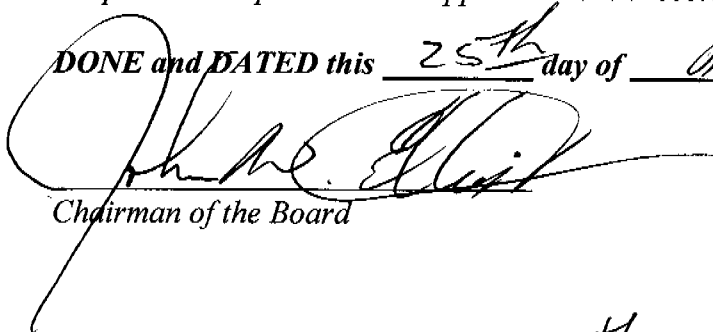
I, John W. Elliott, Chairman of the Klamath County Board of Commissioners, being first duly sworn say:

1. By Order No. 2009-060, dated February 17, 2009, and recorded on February 18, 2009, in Volume and Page 2009-002435 which is attached hereto and incorporated herein, the Memorandum of Land Sale Agreements and Land Sale Agreements dated June 9, 2005, and recorded on June 23, 2005, in Volumes and Pages 2005-47201, 2005-47203 and 2005-47168 between Klamath County and Martin E. J. Bukovsky & Mellie A. Bukovsky, as Tenants by the Entirety as to an undivided one-half interest, Melinda Morgan, as to an undivided one-fourth interest and Patricia D. Myer, as to an undivided one-fourth interest, Not as Tenants in Common, but with Full Rights of Survivorship were cancelled and declared null and void in accordance with Sections 2 and 8 of the Agreements for failure to pay the past due payments.

2. The Order was served in accordance with ORS 275.220 on Martin E. J. Bukovsky, Mellie A. Bukovsky, Melinda Morgan & Patricia D. Myer, and were given twenty (20) days within which to appeal the Order.

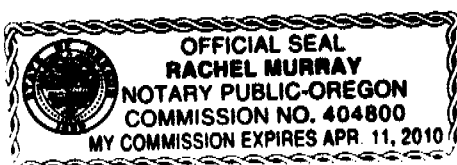
3. Time for Martin E. J. Bukovsky, Mellie A. Bukovsky, Melinda Morgan & Patricia D. Myer to respond has expired and no appeal has been received.

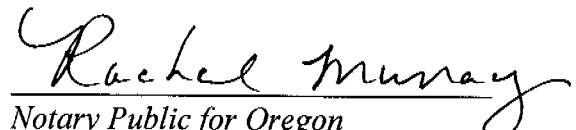
DONE and DATED this 25<sup>th</sup> day of March, 2009.



Chairman of the Board

SUBSCRIBED and sworn to before me this 25<sup>th</sup> day of March, 2009.



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

Return to Commissioner's Journal

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

*In the Matter of Declaring three Land Sale Agreements between )  
 Klamath County and Martin E. J. Bukovsky, Mellie A. Bukovsky, )  
 Melinda Morgan and Patricia D. Myer in Default and Cancelled )*

ORDER No. 2009

060

**WHEREAS**, Martin E. J. Bukovsky, et al entered into three Land Sale Agreements with Klamath County on June 9, 2005, for the purchases of real properties described as:

*Lot 25, Block 7, Tract No. 1019, Winema Peninsula – Unit No. 2; Lot 1, Block 13, Tract 1107 – First Addition To Sprague River Pines, and Lot 17, Block 20, Tract 1113 – Oregon Shores – Unit 2*

*All according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, and all Subject to covenants, conditions, reservations, easements, restrictions, rights, rights of way and all matters appearing of record.*

**WHEREAS**, the real properties were purchased for the sums of \$13,500.00, \$8,700.00 and \$28,000.00 and down payments of \$3,375.00, \$2,175.00 and \$7,000.00 were made the day of the sale; the June 9, 2006 and June 9, 2007, annual installments plus interests were made; and

**WHEREAS**, Martin E. J. Bukovsky, et al failed to make the June 9, 2008, annual installments as required by Sections 2 and 8 of the Land Sale Agreements, and are now in default under the terms of the Land Sale Agreements; and

**WHEREAS**, on June 19, 2008, Martin E. J. & Mellie A. Bukovsky in person and on behalf of Melinda Morgan and Patricia D. Myer requested an extension be given to make the June 9, 2008, annual installments and interests by November 14, 2008. The extension requested was granted and a follow-up letter dated July 16, 2008, was mailed regular and certified mail to each one individually that the June 9, 2008, annual installments and interests totalling \$10,066.92 would need to reach Property Sales Department by November 14, 2008, in order to avoid cancelling the Land Sale Agreements dated June 9, 2005. The signed return receipts to Property Sales Dept dated July 18, 2008, were received on July 21, 2008; and

**WHEREAS**, on January 26, 2009, final notices and Notices of Statements were mailed regular and certified mail to each individually regarding the extension granted for payment on the June 9, 2008, annual installments was not met; and the balances, interests and recording fees totalling \$25,838.14 was to reach Property Sales Dept by 5 p.m. on February 6, 2009; and

**WHEREAS**, Martin E. J. Bukovsky, et al by e-mail relinquish their obligations regarding performances of the Land Sale Agreements due to personal obligations and will not be able to meet the February 6, 2009, deadline; and

**WHEREAS**, no payment will be received making the Land Sale Agreements now in **DEFAULT**.

**NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED**, that the Land Sale Agreements between Klamath County and Martin E. J. Bukovsky & Mellie A. Bukovsky, as Tenants by the Entirety as to an undivided one-half interest, Melinda Morgan as to an undivided one-fourth interest and Patricia D. Myer as to an undivided one-fourth interest, Not as Tenants in Common, but with Full Rights of Survivorship dated June 9, 2005, are hereby declared

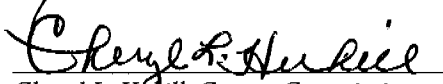
in default and cancelled. A certified copy of this Order shall be served as a summons is served by the sheriff upon the holder of the canceled land sale contract if found within the county. If holder is not found within the county, a certified copy of the order shall be served by mailing it to the holder by registered mail or by certified mail with return receipt at the last known address of the holder being: P O Box 373, Yachats, OR 97498-0373.

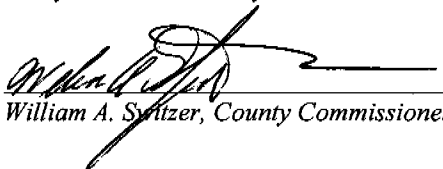
**NOTE:** Pursuant to ORS 275.220 (2) within 20 days after the service of the order of cancellation upon the holder, the holder of the canceled land sale contract may appeal from the order to the circuit court for the county in which the land is located. The circuit court shall try the appeal as an action not triable by right to a jury. If appeal is not 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 17<sup>th</sup> day of February 2009

**BOARD OF COUNTY COMMISSIONERS**

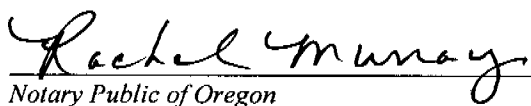
  
John W. Elliott, Chairman of the Board

  
Cheryl L. Huxill, County Commissioner

  
William A. Switzer, County Commissioner

State of Oregon           )  
County of Klamath       )

Signed and sworn to (or affirmed) before me on February 17, 2009  
by John W. Elliott, Cheryl L. Huxill and William A. Switzer  
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**

