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12/09/2009 08:55:39 AM

Fee: NO FEE

BOARD OF COUNTY COMMISSIONERS**KLAMATH COUNTY, OREGON****AFFIDAVIT OF DEFAULT OF LAND SALE AGREEMENTS**

I, Cheryl L. Hukill, County Commissioner of the Klamath County Board of Commissioners, being first duly sworn say:

1. By Order No. 2010-023, dated October 20, 2009, and recorded on October 22, 2009, in Volume and Page 2009-013725 which is attached hereto and incorporated herein, the Land Sale Agreements dated June 12, 2008, and recorded on June 20, 2008, in Volumes and Pages 2008-009011 and 2008-009012, between Klamath County and James M. Lopez 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 and payoff amounts.

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

3. The time for James M. Lopez to respond has expired and no appeal has been received.

DONE and DATED this 9th **day of** December, 2009.

Cheryl L. Hukill
Cheryl L. Hukill, County Commissioner

State of Oregon
County of Klamath

This instrument was acknowledged before me on December 9, 2009 by Cheryl L. Hukill as Commissioner of Klamath County, a political subdivision of the State of Oregon.



Laura Turner
Notary Public for Oregon
My Commission expires March 2, 2013

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10/22/2009 09:02:08 AM

Fee: NO FEE

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

*In the Matter of Declaring two Land Sale Agreements between
Klamath County and James M. Lopez in Default and Cancelled*

ORDER No. 2010 - 023

WHEREAS, James M. Lopez entered into two Land Sale Agreements with Klamath County on June 12, 2008, for the purchase of real properties described as:

That portion of Government Lots 6 and 8 in Section 34, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point located by two consecutive courses, namely N 59° 30' W 116.3 feet and S 47° 21' W, 403 feet from the intersection of the westerly line of Lalakes Avenue with the Northerly line of Schonchin Street in the Townsite of West Chiloquin, Klamath County, Oregon; thence S 47° 21' W along the Westerly line of Charley Avenue 50 feet; thence Northwesterly at right angles 200 feet more or less to the Easterly line of a County Road; thence Northeasterly along said Easterly line of said county road 50 feet; thence Southeasterly at right angles 200 feet, more or less to the point of beginning known as Tract 103, unrecorded plat of Spinks Subdivision as shown on Survey #1142 on file in the Klamath County Surveyor's office.

AND

That portion of Government Lots 6 and 8 in Section 34, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point which is N 59° 30' W 176.3 feet and S 47° 21' W 453 feet from the Southwest corner of Block 11 of West Chiloquin, Klamath County, Oregon; thence S 47° 21' W 50 feet; thence N 42° 39' W 200 feet; thence N 47° 21' E 50 feet; thence S 42° 39' E 200 feet to the point of beginning known as Tract 104, unrecorded plat of Spinks Subdivision as shown on Survey #1142 on file in the Klamath County Surveyor's office.

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 \$11,600.00 and \$72,000.00; down payments in the amounts of \$2,900.00 and \$18,000.00 were made the day of the sale; the first annual installments plus interests in the amounts of \$2,610.00 and \$16, 200.00 were not made on June 12, 2009; and

WHEREAS, James M. Lopez failed to make the annual installments and payoff amounts 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 January 14, 2009, a letter was mailed regular and certified mail to James M. Lopez that Klamath County would accept his request to pay the June 12, 2009, annual installments in the amount of \$18,810.00 by monthly installments if the 2008 taxes were paid in full by May 15, 2009, and Klamath County received by June 12, 2009, the amount of \$10,000.00. A return receipt to Klamath County Property Sales Department was received on January 21, 2009; and

WHEREAS, on May 13, 2009, a letter was mailed regular and certified mail to James M. Lopez regarding his lender requesting to pay off only one of the two Land Sale Agreements by September 30, 2009. The letter informed James M. Lopez that the request had been granted, and that additional interest will accrue until the time of payoff. The payoff amount being \$61,048.40 (included additional interest) by September 30, 2009, but if the payoff amount was not received by the date given, the amount of \$17,827.40 (included additional interest) being the amount on the lot would

need to reach Property Sales Dept by 5 p.m. on September 30, 2009, in order to avoid cancelling the Land Sale Agreements. A return receipt to Klamath County Property Sales Department was received on May 18, 2009; and

WHEREAS, on June 3, 2009, James M. Lopez' attorney met before the Board of County Commissioners requesting the additional interest accrued be waived, and a payoff amount on both lots be given. The request to waive the additional interest accrued was denied, and approval was given on both lots to be paid off with additional interest accrued by September 12, 2009; the total amount being \$70,592.39 by September 12, 2009; and

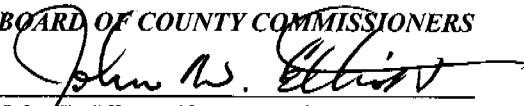
WHEREAS, on October 9, 2009, a letter was mailed regular and certified mail to James M. Lopez informing him that he was in **default** of his performance of the extension granted to payoff both Land Sale Agreements by September 12, 2009, and that an Order would be submitted the week of October 19th, to cancel the Land Sale Agreements dated June 12, 2008.

NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED, that the Land Sale Agreements between Klamath County and James M. Lopez dated June 12, 2008, 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 mailing address of the holder being: P O Box 34, Chiloquin, OR 97624 (location: 225 Hwy 422, Chiloquin, OR 97624).

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 contracts may appeal from 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, such order becomes absolute and the real property forfeited may be sold, without notice.

DONE and DATED this _____ 20th _____ day of _____ October _____ 2009

BOARD OF COUNTY COMMISSIONERS


John W. Elliott, Chairman of the Board



Cheryl L. Hukill, County Commissioner

Out of Office Today
William A. Switzer, County Commissioner

State of Oregon)
Count of Klamath)

Signed and sworn to (or affirmed) before me on Oct. 20th, 2009
by John W. Elliott Chairman, Cheryl L. Hukill Commissioner
as Commissioners of Klamath County, a political subdivision
of the State of Oregon




Notary Public of Oregon
My Commission Expires March 2, 2013

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