

2010-012631

Klamath County, Oregon



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10/27/2010 08:43:40 AM

Fee: NO FEE

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

AFFIDAVIT OF DEFAULT OF LAND SALE AGREEMENT(S)

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

1. By Order No. 2011-011, dated September 7, 2010, and recorded on September 9, 2010, in Volume and Page 2010-016087 which is attached hereto and incorporated herein, the Memorandum of Land Sale Agreements dated April 30, 2009, were recorded on May 8, 2009, in Volumes and Pages 2008-006518 and 2008-006519, between Klamath County and Robert H. Gaston 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 Robert H. Gaston, and was given twenty (20) days within which to appeal the Order.

3. The time for Robert H. Gaston to respond has expired and no appeal has been received.

DONE and DATED this 26th day of October, 2010.

Cheryl L. Hukill
Chairwoman of the Board

State of Oregon
County of Klamath

This instrument was acknowledged before me on October 26, 2010 by Cheryl L. Hukill as chairwoman of Klamath County, a political subdivision of the State of Oregon.

Rachel D. Murray
Notary Public for Oregon
My Commission expires Apr. 11, 2014



BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

In the Matter of Declaring two Land Sale Agreements between) ORDER No. 2011 - 011
Klamath County and Robert H. Gaston in Default and Cancelled)

WHEREAS, Robert H. Gaston entered into two Land Sale Agreements with Klamath County on April 30, 2009, for the purchase of real properties described as:

Lot 12, Block 24 and Lot 9, Block 22, Tract No. 1010, First Addition To Ferguson Mountain Pines, 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 \$3,600.00 and \$3,700.00; down payments in the amounts of \$900.00 and \$925.00 were made the day of the sale; the first annual installments plus interests in the amounts of \$810.00 and \$832.50 were not made on April 30, 2010; and

WHEREAS, Robert H. Gaston failed to make the annual installments amounts as required by Sections 2 and 8 of the Land Sale Agreements, and is now in default under the terms of the Land Sale Agreements; and

WHEREAS, on June 22, 2010, a letter was mailed regular and certified mail to Robert H. Gaston requesting the annual installments in the amounts of \$874.36 and \$898.64 and the 2009 taxes totalling \$96.64 be paid in full on the real properties by July 26, 2010. A return receipt to Klamath County Property Sales Department was received on June 29, 2010; and

WHEREAS, a final notice was mailed regular and certified mail on August 10, 2010, requesting the remaining balances, interests and recording fees in the amounts of \$3,087.63 and \$3,172.37 and the 2009 taxes totalling \$97.82 be paid by August 17, 2010; A return receipt to Klamath County Property Sales Department was received on August 16, 2010; 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 Land Sale Agreements between Klamath County and Robert H. Gaston dated April 30, 2009, 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: 1127 McClellan Dr. Klamath Falls, OR 97603.

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

DONE and DATED this 7 day of September 2010

BOARD OF COUNTY COMMISSIONERS

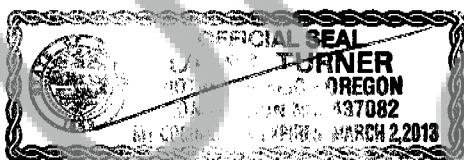
Cheryl L. Hukill
Cheryl L. Hukill, Chairwoman of the Board

William A. Switzer
William A. Switzer, County Commissioner

John W. Elliott
John W. Elliott, County Commissioner

State of Oregon)
County of Klamath)

Signed and sworn to (or affirmed) before me on Sept. 7th, 2010
by Cheryl L. Hukill, William A. Switzer and John W. Elliott Commissioners
as Commissioners of Klamath County, a political subdivision
of the State of Oregon



Laura Turner
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**

