

2010-012916

Klamath County, Oregon

Return to Commissioner's Journal



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**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. 2011-015, dated September 28, 2010, and recorded on September 30, 2010, in Volume and Page 2010-011554 which is attached hereto and incorporated herein, the Memorandum of Land Sale Agreement dated June 9, 2005, recorded on June 24, 2005, in Volume M05, Page 47694, between Klamath County and Shane C. Laberee & Dana F. Laberee, as Tenants by the Entirety was cancelled and declared null and void in accordance with Sections 2 and 8 of the Agreement for failure to pay the past due payment.

2. The Order was served in accordance with ORS 275.220 on Shane C. Laberee & Dana F. Laberee, and were given twenty (20) days within which to appeal the Order.

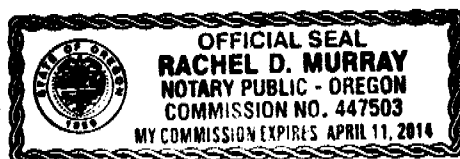
3. The time for Shane C. Laberee & Dana F. Laberee to respond has expired and no appeal has been received.

DONE and DATED this 3<sup>rd</sup> day of November, 2010.

Cheryl Hukill  
Chairwoman of the Board

State of Oregon  
County of Klamath

This instrument was acknowledged before me on November 3, 2010 by Cheryl L. Hukill as Chairwoman of Klamath County, a political subdivision of the State of Oregon.



Rachel Murray  
Notary Public for Oregon  
My Commission expires April 11, 2014

**BOARD OF COUNTY COMMISSIONERS**

**KLAMATH COUNTY, OREGON**

*In the Matter of Declaring a Land Sale Agreement between  
Klamath County and Shane C. Laberee & Dana F. Laberee  
in Default and Cancelled*

**ORDER No. 2011 015**

**WHEREAS**, Shane C. Laberee & Dana F. Laberee entered into a Land Sale Agreement with Klamath County on June 9, 2005, for the purchase of real property described as:

*Lot 27, Block 17, Klamath Falls Forest Estates, Highway 66 Unit, Plat No. 1, 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 of \$11,000.00 and a down payment of \$2,750.00 was made the day of the sale; the first annual installment plus interest in the amount of \$2,475.00 was made on June 19, 2006; and

**WHEREAS**, Shane C. Laberee & Dana F. Laberee failed to make the last annual installment as required by Sections 2 and 8 of the Land Sale Agreement, and is now in default under the terms of the Land Sale Agreement; and

**WHEREAS**, on June 22, 2010, letters were mailed regular and certified to Shane C. Laberee & Dana F. Laberee requesting the last annual installment in the amount of \$2,801.80 and the 2009 taxes in the amount of \$89.05 be paid in full on the real property by July 26, 2010. The certified mail were returned as "Unclaimed" to Klamath County Property Sales Department on July 14, 2010; and

**WHEREAS**, final notices were mailed regular and certified on August 10, 2010, requesting the last annual installment being the balance, interest and recording fee in the amount of \$2,817.55 and the 2009 taxes in the amount of \$90.15 to be paid by August 17, 2010. The certified mail were returned as "Unclaimed" to Klamath County Property Sales Department on August 31, 2010; and

**WHEREAS**, no payments have 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 Shane C. Laberee & Dana F. Laberee dated June 9, 2005, 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: 1770 Pine Meadow Dr., Albany, OR 97322.

**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 28<sup>th</sup> day of September 2010

**BOARD OF COUNTY COMMISSIONERS**

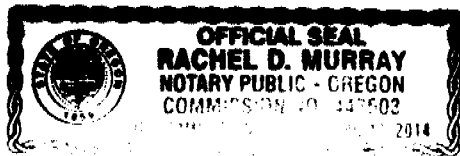
Cheryl L. Hukill  
Cheryl L. Hukill, Chairwoman of the Board

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 September 28, 2010  
by Cheryl L. Hukill, Chair, William A. Switzer and John W. Elliott  
as Commissioners of Klamath County, a political subdivision  
of the State of Oregon



Rachel D. Murray  
Notary Public of Oregon  
My Commission Expires April 11, 2014

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

