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12/10/2010 09:10:10 AM

Fee: NO FEE

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

*In the Matter of Declaring a Land Sale Agreement between)
Klamath County and Richard R. Hamilton & Sandra S.)
Hamilton in Default and Cancelled)*

ORDER No. 2011 - 027

WHEREAS, Richard R. Hamilton & Sandra S. Hamilton entered into an agreement with Klamath County on June 1, 2006, for the purchase of real property described as:

Lot 9, Block 12, Chiloquin Drive Addition To Chiloquin, Oregon, 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 sum of \$3,500.00 and a down payment of \$875.00 was made the day of the sale; the first annual installment plus interest in the amount of \$787.50 was made on May 24, 2007; and

WHEREAS, Richard R. Hamilton & Sandra S. Hamilton failed to make the June 1, 2010, 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 May 13, 2010, a courtesy notice was mailed regular mail to Richard R. Hamilton & Sandra S. Hamilton requesting the annual installment in the amount of \$603.06 be paid in full on the real property by June 1, 2010; and

WHEREAS, on May 24, 2010, Richard R. Hamilton requested an extension be given to make the June 2010, annual installment plus additional interest accrued by August 31, 2010; on June 2, 2010, a letter mailed regular and certified mail to Richard R. & Sandra S. Hamilton informed them the request was granted. Return receipts to Property Sales Department were received on June 4, 2010; and

WHEREAS, on August 4, 2010, via telephone Richard R. Hamilton requested an additional extension be given to make the June 2010 annual installment plus additional interest accrued by September 30, 2010, and via telephone on September 10, 2010, requested another additional extension be given to make the June 2010, installment plus additional accrued interest by October 29, 2010. Both requests were granted; and

WHEREAS, a letter dated November 5, 2010, from Richard R. Hamilton & Sandra S. Hamilton stated they were letting the property go which voluntarily places the June 2010, installment and interest in default with Klamath County by the land sale agreement dated June 1, 2006; and

WHEREAS, in the event of a default, a notice is to be given declaring the entire balance plus interest immediately due and payable; a final notice was mailed regular and certified on November 12, 2010, requesting the remaining balance, interest and recording fee in the amount of \$1,203.09 be paid by November 17, 2010. Return receipts were received on November 24, 2010; and

WHEREAS, no payment has 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 Richard R. Hamilton & Sandra S. Hamilton dated June 1, 2006, 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: 108 Laguna St, Klamath Falls, OR 97601.

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 7th day of December 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 Dec. 7th, 2010
by Cheryl L. Hukill, Chair; William A. Switzer, Commissioner; John W. Elliott, Commissioner
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**

