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Fee: NO FEE

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

*In the matter of Declaring Eleven Land Sale)
 Agreements between Klamath County and Bret S.)
 Roberts in Default and Cancelled)*

Order 2012- 068

WHEREAS, Bret S. Roberts entered into several agreements with Klamath County dated either May 24, 2007, June 12, 2008 or April 30, 2009, for the purchase of real properties described as:

Lot 4, Block 13, Tract 1053 – Oregon Shores;

Lot 6, Block 32, Tract 1184-Oregon Shores-Unit 2-First Addition;

Lot 41, Block 24, Tract 1113 – Oregon Shores – Unit 2;

Lot 15, Block 1, Lone Pine On The Sprague;

Lot 21, Block 15, Klamath Forest Estates;

A portion of Lot 55, Block 6, Oregon Pines, being more particularly described as follows: Commencing at the South 1/16th corner between Sections 15 and 16, Township 35 South, Range 11 East of the Willamette Meridian; thence N 0° 51' 27" E 1327.04 feet to the West quarter corner of said Section 15; thence N 50° 14' 29" East, along a line that intersects the Northwest corner of Lot 12, Block 6, 55.82 feet to the true point of beginning of this description; thence S 56° 55' 57" East, 646.49 feet to the Southwesterly corner of Lot 7, Block 6; thence N 36° 54' 20" East 192.11 feet along the Westerly line of Lot 7, Block 6 to the Northwesterly corner of said Lot 7; thence N 49° 15' 22" W, 581.32 feet to a line running from the West quarter corner of Section 15 to the Northwest corner of Lot 12, Block 6; thence S 50° 14' 29" E, 281.90 feet to the true point of beginning;

Lot 28, Block 15 and Lot 28, Block 19, Tract No. 1010, First Addition To Ferguson Mountain Pines;

Lot 24, Block 27 and Lot 50, Block 49, Fourth Addition To Nimrod River Park; and

Lot 27, Block 64, Fifth Addition To Nimrod River Park

All according to the official plats thereof on file in the office of the County Clerk of Klamath County, Oregon; and all **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 \$3,850.00, \$6,400.00, \$8,600.00, \$3,300.00, \$5,800.00, \$4,000.00, \$3,500.00, \$3,100.00, \$8,000.00, \$7,000.00 and \$4,900.00. And down payments of \$962.50, \$1,600.00, \$2,150.00, \$825.00, \$1,450.00, \$1,000.00, \$875.00, \$775.00, \$2,000.00, \$1,750.00 and \$1,225.00 were made the days of the sales and the sums of \$972.81, \$1,471.56, \$1,993.32, \$732.50, \$1,317.84, \$912.84, \$887.80, \$790.65, \$1,812.84, \$1,587.84 and \$1,115.35 were paid as the first annual installments due on May 24, 2008, June 12, 2009 or April 30, 2010; and

WHEREAS, Bret S. Roberts failed to make the installments and taxes as required by Section 8 of the Land Sale Agreements, and are now in default under the terms of the Land Sale Agreements; and

WHEREAS, on June 23, 2010, August 6, 2010, July 29, 2011, August 4, 2011, September 1, 2011, September 26, 2011, October 7, 2011, October 27, 2011, December 6, 2011, January 23, 2012 and February 23, 2012, phone calls received and returned, e-mails and letters mailed regular and certified to Bret S. Roberts requesting the installments and taxes be paid in full on the real properties by certain dates. Requests for numerous extensions were granted to avoid cancelling the agreements. Return receipts to Klamath County Property Sales Dept were received on August 4, 2011, September 9, 2011 and September 29, 2011; and

WHEREAS, a final notice mailed regular and certified on February 23, 2012, requesting the remaining balances, interests and recording fees in the amount of \$34,268.16 and \$1,385.05 for the taxes be paid by March 2, 2012. Return receipt to Klamath County Property Sales Dept was

received on March 15, 2012, as unclaimed.

NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED, that the Land Sale Agreements between Klamath County and Bret S. Roberts dated May 24, 2007, June 12, 2008 and April 30, 2009, are hereby 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: P O Box 1181, Riverton, UT 84065-1181.

NOTE: Pursuant to ORS 275.220 (2) within 20 days after the service of this order of cancellation upon the holder, the holder of the canceled land sale contracts may appeal from the 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. In addition to the remedy for breach or default of land sale contracts, the county may pursue any other remedy provided by law for breach or default, of land sale contracts including, but not limited to, the remedy provided by ORS 93.905 to 93.940.

DONE and DATED this 17th day of April, 2012

BOARD OF COUNTY COMMISSIONERS

[Signature]
Dennis B. Linthicum, Chairman of the Board

[Signature]
Cheryl L. Hukill, County Commissioner

[Signature]
William A. Switzer, County Commissioner

State of Oregon)
County of Klamath)

Signed and sworn to (or affirmed) before me on April 17, 2012,
by Dennis B. Linthicum, Cheryl L. Hukill + William A. Switzer
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**

