

2012-005809

Klamath County, Oregon



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Fee: NO FEE

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

AFFIDAVIT OF DEFAULT OF LAND SALE AGREEMENT(S)

I, Dennis B. Linthicum, Chairman of the Klamath County Board of Commissioners, being first duly sworn say:

1. By Order No. 2012-068, dated April 17, 2012, and recorded on April 23, 2012, in Volume and Page 2012-004191 which is attached hereto and incorporated herein, the Land Sale Agreements dated May 24, 2007, June 12, 2008 and April 30, 2009, recorded on June 6, 2007, June 20, 2008, May 8, 2009, in Volumes and Pages 2007-010155, 2007-010162, 2007-010164, 2007-010165, 2007-010167, 2008-009033, 2008-009034, 2008-009035, 2009-006493, 2009-006496 and 2009-006497, between Klamath County and Bret S. Roberts were cancelled and declared null and void in accordance with Section 8 of the Agreements for failure to pay the past due payments and taxes.

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

3. The time for Bret S. Roberts to respond has expired and no appeal has been received.


DONE and DATED this 29th day of May, 2012.


Dennis B. Linthicum, Chairman of the Board

State of Oregon
County of Klamath

This instrument was acknowledged before me on May 29, 2012 by Dennis B. Linthicum as
Chairman of the Board of Klamath County, a political subdivision of
the State of Oregon.




Notary Public for Oregon
My Commission expires March 2, 2013

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.

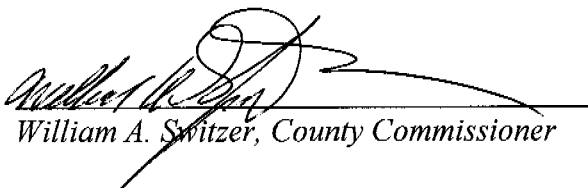
NOTE: Pursuant to ORS 275.220 (2) within 20 days after the service of this order of cancellation upon the holder, the holder of the canceled land sale contracts may appeal from the order to the circuit court for the county in which the lands are located. The circuit court shall try the appeal as an action 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

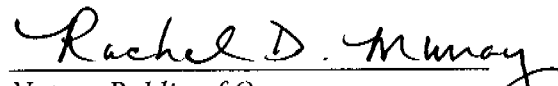

Dennis B. Lithicum, Chairman of the Board


Cheryl L. Hukill, County Commissioner


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. Lithicum, Cheryl L. Hukill + William A. Switzer
as Commissioners of Klamath County, a political subdivision
of the State of Oregon


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**



AGENDA REPORT

BOARD OF COUNTY COMMISSIONERS

AGENDA CATEGORY: 046

ITEM NO. 9.1

OR 2012-068

ORIGINATING DEPARTMENT: Property Sales

DATE ACTION REQUESTED: April 17, 2012

DATE ACTION TAKEN:

ISSUE: In the Matter of Declaring Eleven Land Sale Agreements between Klamath County and Bret S. Roberts in Default and Cancelled.

BACKGROUND & CONCLUSIONS: On May 24, 2007, June 12, 2008 and April 30, 2009, Klamath County entered into several Land Sale Agreements with Bret S. Roberts on real properties located in the Chiloquin, Sprague River and Beatty areas and further described in the attached Order. The agreements included provisions for annual installments, interests and taxes be paid on the real properties. The attached Order explains the procedure Property Sales Dept has taken regarding the annual installments, interests and taxes that are now in **Default**.

FISCAL IMPACT: Loss of Revenue in the amount of \$35,653.21.

RECOMMENDED MOTION: Approve and execute the attached Order declaring the Eleven Land Sale Agreements between Klamath County and Bret S. Roberts dated either May 24, 2007, June 12, 2008 or April 30, 2009, in default and cancelled.

DEPARTMENT HEAD APPROVAL: _____

BUDGET OFFICER APPROVAL: _____

CONTRACT SPECIALIST APPROVAL: _____

COUNTY COUNSEL REVIEW: _____

COMMISSIONER LIAISON APPROVAL: _____

APPROVED THIS _____

DAY OF _____

by the Klamath County Board
of Commissioners

CERTIFIED BY _____

Recording Secretary

DISTRIBUTION

1 - ORIGINAL - CLERK

1 - ORIGINAL

1 - PROCEEDINGS

1 - FILE

1 - Department Agency

1 -

1 -

1 -

Total