



00133765201300035650050055

04/03/2013 03:40:19 PM

Fee: \$57.00

After Recording Return to:
 Nathan J. Ratliff
 Parks & Ratliff, P.C.
 620 Main Street
 Klamath Falls, OR 97601

DECLARATION OF FORFEITURE

STATE OF OREGON; County of Klamath) ss.

I, NATHAN J. RATLIFF, under oath, state as follows:

1. This declaration pertains to that certain Land Sale Contract (Contract) between **ROGER WHITE and CAROLYN WHITE**, as Sellers, and **DEANNA GONZALES, ART GONZALES, and LAURIE GONZALES**, as Purchasers, which agreement was signed and entered into on the 6th day of September, 2010, without a memorandum having been recorded by a county recording officer, which contract covers that certain real property situated in Klamath County, Oregon, known as 5719 Delaware Avenue and 5721 Delaware Avenue, Klamath Falls, Oregon 97603, and which is more particularly described as follows, to-wit:

Lot 54 of CLOVERDALE, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

2. An Affidavit of Mailing Notice of Default, with a copy of the Notice of Default attached (Notice), was recorded on August 2, 2012, as Instrument No. 2012-008467 of the Official Records of Klamath County, Oregon.

3. The default described in the Notice was not cured within the time specified, as required by ORS 93.915.

4. Purchasers' claim against Sellers, prosecuted in the Circuit Court of the State of Oregon, Klamath County, in Case No. 1203050CV, was decided in favor of Sellers pursuant to the General Judgment Denying Claim for Relief entered in that case on March 29, 2013.

5. The Contract is hereby declared forfeited.

6. I make this affidavit as the attorney for the Sellers under the Contract.

PARKS & RATLIFF, P.C.

Nathan J. Ratliff, OSB #03426
 of Attorneys for Sellers

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME this 3 day of April, 2013, by Nathan J. Ratliff, as Attorney for Sellers, Roger White and Carolyn White.



Kay Heath
 NOTARY PUBLIC FOR OREGON

My Commission expires: 10-27-14

2012-008467

Klamath County, Oregon

00122123201200084670040044

08/02/2012 03:54:37 PM

Fee: \$52.00

After Recording Return to:
Parks & Ratliff, P.C.
620 Main Street
Klamath Falls, OR 97601

AFFIDAVIT OF MAILING NOTICE OF DEFAULT

STATE OF OREGON)
)
County of Klamath) ss.

I, Lee J. Wachocki, under oath, state as follows:

1. Attached as Exhibit "A" is a true and correct copy of the Notice of Default pertaining to the contract described therein (Contract).

2. The Contract contains a "forfeiture remedy" as defined in ORS 93.905(2).

3. The Notice of Default was mailed by both first-class and by certified mail with return receipt requested to the following people at the last-known addresses indicated:

Helen Fine
5719 Delaware Avenue
Klamath Falls, OR 97603

Deanna, Art, and Laurie Gonzalez
5721 Delaware Avenue
Klamath Falls, OR 97603

Michael L. Spencer, Attorney at Law
403 Main Street
Klamath Falls, OR 97601

4. Attached as Exhibit "B" is a copy of the Certified Mail Receipt for each of the addresses named in item 3 above.

5. I make this affidavit as attorney for and on behalf of Roger and Carolyn White.

/s/ Lee Wachocki
Attorney for Seller

This instrument was acknowledged before me on Aug 1, 2012.

/s/ Susan J Roberts
Notary Public for Oregon
My commission expires: 11/23/12



NOTICE OF DEFAULT

This Notice of Default is given with respect to the contract described below, which contains a forfeiture remedy, pursuant to the provisions of ORS 93.905-93.940.

1. *Description of Contract.* Land Sale Contract (Contract) between **ROGER WHITE and CAROLYN WHITE** as Sellers, and **DEANNA GONZALES, ART GONZALES, and LAURIE GONZALES** as Purchasers, which agreement was signed and entered into on September 6th, 2010 without a memorandum being recorded by a county recording officer.

2. *Property.* The property which is the subject of the Contract is known as 5719 Delaware Avenue and 5721 Delaware Avenue, Klamath Falls, Oregon 97603, and is more particularly described as follows:

Lot 54 of CLOVERDALE, according to the official plat thereof on file
In the office of the County Clerk of Klamath County, Oregon.

3. *Nature of Default.* The default consists of Purchasers' failure to make timely payment of the amount due under the Contract. Specifically, Purchasers failed to make the agreed-upon monthly payments of \$860.36 by the agreed-upon dates, namely: October 6, 2011; March 6, 2012; April 6, 2012; May 6, 2012; June 6, 2012; and July 6, 2012.

4. *Amount of Default.* The amount of default is \$4,482.16 (which represents six months of non-payment minus a \$180 over-payment and a \$500 third-party payment), plus interest at an agreed-upon 6% per annum from October 6, 2011.

5. *Date Contract Will Be Forfeited.* The Contract will be forfeited if the default is not cured by (60 DAYS FROM TODAY'S DATE)

6. *How to Cure Default.* The default will be cured if by October 3, 2012, the following occurs:


6.1 The sum of \$4,482.16, plus interest at 6% per annum from October 6, 2011 until payment in full, is *received*, on account of the Contract, by Parks & Ratliff, P.C.

7. *Name and Address of Attorney for Seller.*

Lee J. Wachocki
Parks & Ratliff, P.C.
620 Main Street
Klamath Falls, OR 97601

EXHIBIT A
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OF 2

8. *Date Notice Mailed.* This notice is being deposited in both first-class and certified mail with return receipt requested, on August 1, 2012.



Lee J. Wachocki, OSB #10534
of Attorneys for Seller

EXHIBIT A
PAGE 2
OF 2

7009 2250 0002 9123 3993

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OFFICIAL USE
KLAMATH FALLS OR 97601

Postage	\$	\$0.45
Certified Fee		\$2.95
Return Receipt Fee (Endorsement Required)		\$2.35
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$5.75

0601 11 1866
Postmark Here
08/01/2012

Sent To
Helen Fine
Street, Apt. No., or P.O. Box No.
Delaware Avenue
City, State, ZIP+4[®]
Klamath Falls, OR 9703

PS Form 3800, August 2006 See Reverse for Instruction

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OFFICIAL USE
KLAMATH FALLS OR 97601

Postage	\$	\$0.45
Certified Fee		\$2.95
Return Receipt Fee (Endorsement Required)		\$2.35
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$5.75

0601 11 1866
Postmark Here
08/01/2012

Sent To
Deanna, Art and Laurie Gonzalez
Street, Apt. No., or P.O. Box No.
Delaware Avenue
City, State, ZIP+4[®]
Klamath Falls, OR 97603

PS Form 3800, August 2006 See Reverse for Instructions

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OFFICIAL USE
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Postage	\$	\$0.45
Certified Fee		\$2.95
Return Receipt Fee (Endorsement Required)		\$2.35
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$5.75

0601 11 1866
Postmark Here
08/01/2012

Sent To
Michael L. Spencer
Street, Apt. No., or P.O. Box No.
403 Main Street
City, State, ZIP+4[®]
Klamath Falls, OR 97601

PS Form 3800, August 2006 See Reverse for Instruction

EXHIBIT 3
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