

2014-011766

Klamath County, Oregon



00161342201400117660040045

11/12/2014 09:13:45 AM

Fee: \$57.00

After Recording Return to:  
Kurt H. Knudsen  
Attorney at Law  
P.O. Box 126  
Jacksonville, OR 97530

AFFIDAVIT OF MAILING NOTICE OF DEFAULT

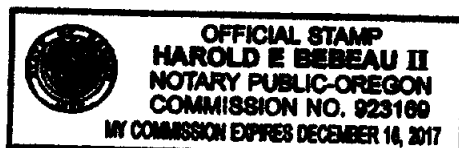
STATE OF OREGON           )  
                                          ) ss.  
County of Jackson        )

I, Kurt H. Knudsen, 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 persons at the last-known addresses indicated:  
  
Joanna Justus  
6707 S 6TH ST  
Klamath Falls, OR 97603
4. Attached as Exhibit B is a copy of the Certified Mail Receipt for the address named in item 3 above.
5. I make this affidavit as attorney for and on behalf of Gordon E. Mallory and Dolores K. Mallory ("Sellers").

Kurt H. Knudsen, OSB No. 92077  
Attorney for Sellers

This instrument was acknowledged before me on 8-29, 2014.



Notary Public for Oregon

My commission expires: 12-16-17

## Exhibit "A"

### 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.* Real Estate Contract of Sale ("Contract") between Gordon E. Mallory and Dolores K. Mallory as Seller, and Joanna L. Justus as Purchaser, a memorandum of which was recorded on April 1, 2003, Vol. M03 Pg. 22452 of the Official Records of Klamath County, Oregon.

2. *Property.* The property which is the subject of the Contract is commonly known as part of the "Y" property and is more particularly described as follows:

Lot 16 of Junction Acres, LESS AND EXCEPT that portion deeded to the State Highway Commission in Deed dated February 16, 1939, recorded May 9, 1939 in Volume 122 Page 115, Deed records of Klamath County, Oregon. ALSO LESS AND EXCEPT any portion lying within State Highway 39 and State Highway 140 in the County of Klamath, State of Oregon.

and

Beginning at the Northwest corner of Tract 15 of Junction Acres; thence East along the North line of said tract, 81 feet; thence South parallel with the West line of said Tract, 538 feet; thence West parallel with the North line of said tract, 81 feet to the West line; thence North 538 feet to the point of beginning, in the County of Klamath, State of Oregon.

3. *Nature of Default.* The default consists of failure to make required payments since August 3, 2010.

4. *Amount of Default.* The amount of the default is \$72,000.00, plus interest at 6.5% per annum from September 1, 2010.

5. *Date Contract Will Be Forfeited.* The Contract will be forfeited if the default is not cured as provided in this Notice of Default.

6. *How to Cure Default.* The default will be cured if by sixty-five (65) days after the date of this Notice all of the following described in 6.1, 6.2, and 6.3 occur:

6.1 The sum of \$72,000.00 plus interest at 6.5% per annum from September 1, 2010, until paid, is paid and received on account of the Contract by First American Title Company of Oregon, 404 Main Street, Ste. 1, Klamath Falls, OR 97601 (the *collection escrow agent* identified in paragraph 7 below).

and,

6.2 The additional amount of \$8,940.38 is *received* on account of this matter by the collection escrow agent, consisting of:

6.2.1	Late charges	\$1,800.00
6.2.2	Title search	\$1,150.00
6.2.3	Property Taxes Advanced	\$5,943.38
6.2.4	Recording fees	\$ 47.00
		<u>\$8,940.38</u>

and,

6.3 The additional amount of \$1,500.00 each, as the monthly installment due and payable for each and every month, plus the applicable late fees, tax payment and other amounts as may be due as provided by the Contract if received after September 30, 2014 by the escrow agent.

7. The collection escrow agent for the Contract, to whom the payment under paragraphs 6.1 through 6.3 above is to be made, is First American Title Company of Oregon, 404 Main St #1, Klamath Falls, OR 97601, tel. no. (541) 884-5155.

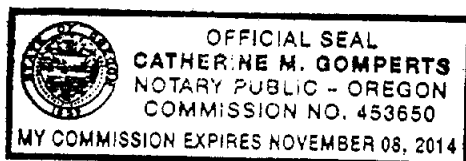
8. *Name and Address of Attorney for Seller:*

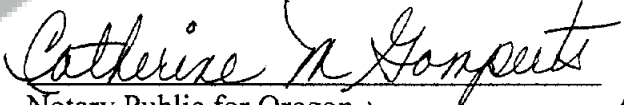
Kurt H. Knudsen, Attorney at Law  
P.O. Box 126  
Jacksonville, OR 97530

9. *Date Notice Mailed.* This notice is being deposited in both first-class and certified mail with return receipt requested, on August 29, 2014.

  
Kurt H. Knudsen, OSB No. 92077  
Attorney for Sellers

This instrument was acknowledged before me on 8/29, 2014.



  
Catherine M. Gomperts  
Notary Public for Oregon  
My commission expires: Nov 8, 2014

# Exhibit "B"

7034 0150 0000 8868 8684

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
Klamath Falls, OR 97603	
<b>OFFICIAL USE</b>	
Postage	\$ 6.49
Certified Fee	\$ 3.30
Return Receipt Fee (Endorsement Required)	\$ 2.70
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 12.49</b>

JACKSONVILLE, FL 32209  
AUG 29 2014  
0531 05  
Postmark Here  
USPS  
08/29/2014

Sent To	Joanna Justus
Street, Apt. No., or PO Box No.	6707 S 6th Street
City, State, ZIP+4	Klamath Falls, OR 97603

PS Form 3800, August 2006 See Reverse for Instructions