

2017-014754

Klamath County, Oregon



00215293201700147540050054

12/29/2017 11:31:00 AM

Fee: \$62.00

Returned at Counter

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 **MICHAEL A. NEGREVSKI and DAI LENE NEGREVSKI**, as Sellers, and **MICHAEL NOONAN and KARIN NOONAN**, as Purchasers, which agreement was signed and entered into on the 1st day of July, 2012, with a memorandum having been recorded by a county recording officer, Instrument Number 2012-007724, which contract covers that certain real property situated in Klamath County, Oregon, known as 7751 Dehlinger Lane, Klamath Falls, Oregon 97603, and which is more particularly described as follows, to-wit:

The South 10 acres of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ (or S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$), and Lot 4, Section 6, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING thereof that portion conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division in Warranty Deed, recorded April 5, 1988, in Volume M88, Page 4912, Microfilm Records of Klamath County, Oregon.

Klamath County Assessor's Account No. R-4010-00600-01000-000 and Key 96782


2. An Affidavit of Mailing Notice of Default, with a copy of the Notice of Default attached (Notice), was recorded on September 20, 2017, as Instrument No. 2017-010669 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. The Contract is hereby declared forfeited.

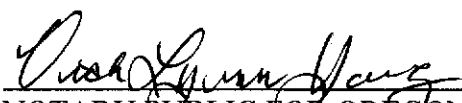
5. I make this affidavit as the attorney for the Sellers under the Contract.

PARKS & RATLIFF, P.C.


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

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME this 29th day of December, 2017, by Nathan J. Ratliff, as Attorney for Sellers, Michael A. Negrevski and Dai Lene Negrevski.




NOTARY PUBLIC FOR OREGON
My Commission expires: 1-2-21

DECLARATION OF FORFEITURE

2017-010669

Klamath County, Oregon



00210346201700106690040040

09/20/2017 01:15:03 PM

Fee: \$67.00

AFTER RECORDING RETURN TO:

William M. Ganong
Attorney at Law
514 Walnut Avenue
Klamath Falls OR 97601

AFFIDAVIT OF MAILING NOTICE OF DEFAULT
(ORS 93.915)

STATE OF OREGON, County of Klamath) ss.

I, William M. Ganong, 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 between Michael A. Negrevski and Dai Lene Negrevski, Sellers, and Michael Noonan and Karin Noonan, Purchaser; described in the Memorandum of Contract of Sale recorded July 16, 2012 as Document No. 2012-007724 of the Official Records of Klamath County, Oregon.

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

3. On September 19, 2017, I mailed the Notice of Default by both first-class and certified mail with return receipt requested by depositing true, full, and exact copies thereof in the United States Mail at Klamath Falls, Oregon addressed to the following parties at their last-known addresses:

Michael Noonan
12080 Homedale Road
Klamath Falls, OR 97603

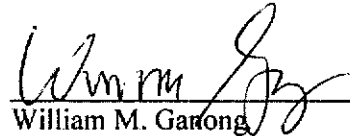
Karin Noonan
12080 Homedale Road
Klamath Falls, OR 97603

State of Oregon
Employment Division
875 Union St. NE, Room 107
Salem, OR 97311

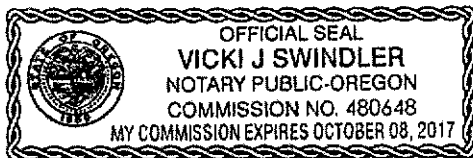
RABO Agrifinance, Inc.
12443 Olive Blvd., Suite 50
St. Louis, MO 63141

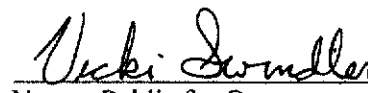
David A. Foraker, Partner
Miller Nash Graham & Dunn LLP
3400 U.S. Bancorp Tower
111 S. W. Fifth Avenue
Portland, OR 97204

Dated this 19th day of September 2017.


William M. Ganong

Signed and sworn to before me this 19th day of September, 2017, by William M. Ganong.




Notary Public for Oregon
My Commission Expires: 10-8-17

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.** Contract of Sale (Contract) between Michael A. Negrevski and Dai Lene Negrevski, Sellers, and Michael Noonan and Karin Noonan, Purchaser, described in the Memorandum of Contract of Sale recorded July 16, 2012 as Document No. 2012-007724 of the Official Records of Klamath County, Oregon.

2. **Property.** The property that is the subject of the Contract is more particularly described as follows:

The South 10 acres of the NW 1/4 SW 1/4 (or S 1/2 S 1/2 NW 1/4 SW 1/4), and Lot 4, Section 6, Township 40 South, Range 10 East of the Willamette Meridian, County of Klamath, State of Oregon; Excepting thereof that portion conveyed to the state of Oregon, by and through its Department of Transportation, Highway Division, in Warranty Deed recorded April 5, 1998 in volume M88, page 4912, microfilm records of Klamath County, Oregon. Klamath County Tax lot No. R-4010-00600-01000-000; and more commonly referred to as 7751 Dehlinger Lane, Klamath Falls, Oregon 97603.

3. **Nature of Default.** The default consists of Purchaser's failure to make the annual principal payments in the amount of \$50,000 each which were due and payable on July 1, 2015, July 1, 2016, and July 1, 2017 and a \$75 late payment fee for each said payment; failure to make the month interest only payments that were due and payable on the 15th day of each month for the months of July, August, and September, 2017, plus late payment fees of \$75 each for July and August, 2017; failure to pay the real property taxes and interest assessed for the tax years 2015-2016 and 2016-2017 before they became delinquent; and failure to obtain and maintain property damage insurance and liability insurance in the amounts specified in the Contract.

4. **Date Contract Will Be Forfeited.** The Contract will be forfeited if the default is not cured by midnight on December 28, 2017.

5. **How to Cure Default.** The default will be cured if by December 28, 2017, the following occur:

5.1 Pay to Seller principal payments in the sum of \$150,000, plus late payment fees of \$225.00;

5.2 Pay the real property taxes and interest for tax year 2015-2016 and 2016-2017 to the tax collector and Klamath County, Oregon;

5.3 Pay monthly interest payments of \$750 each for the month of July 2017 and each month thereafter until the default is cured, plus late payment penalties of \$75 per month for July 2017 and each month thereafter until the default is cured;

5.4 Obtain and provide proof to Seller of Property Damage Insurance and Liability Insurance in the amounts specified in the Contract of Sale;

5.5 Reimburse Seller for the cost of Property Damage Insurance and Liability insurance for the period of time from September 15, 2017 to the date proof of insurance is provided by Purchaser to Seller as stated in paragraph 5.4. above; and

5.6 Reimburse Seller by paying to William M. Ganong, the attorney for Seller, at the address set forth below, the following costs of this forfeiture process:

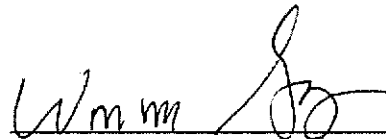
5.6.1	Title forfeiture search and insurance	\$276;	
5.6.2	Recording fees	\$235;	
5.6.3	Mailing fees	\$110;	and
5.6.4	Attorney Fees	\$350.	

6. Name and Address of Attorney for Seller.

William M. Ganong, OSB No. 782137
Attorney at Law
514 Walnut Avenue
Klamath Falls OR 97601
541.882.7228 - office 541.883.1923 - fax
E-Mail: wganong@aol.com

7. Date Notice Mailed. This notice is being deposited in both first-class and certified mail with return receipt requested on September 19, 2017.

8. This is an attempt to collect a debt and any information received from you will be used for that purpose.


William M. Ganong, OSB No. 782137
Attorney for Seller