

2018-011522

Klamath County, Oregon



00229115201800115220040048

09/21/2018 01:13:53 PM

Fee: \$97.00

Returned at Counter

AFTER RECORDING RETURN TO:

Scott D. MacArthur, OSB 892960

Scott D. MacArthur, P.C.

125 S. 6th Street

Klamath Falls, OR 97601

DECLARATION OF FORFEITURE

STATE OF OREGON, County of Klamath) ss

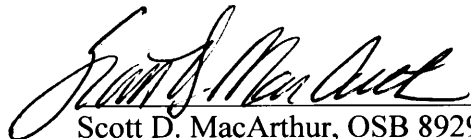
I, Scott D. MacArthur, under oath state as follows:

1. This declaration pertains to that certain Land Sale Contract (Contract) between PY Properties, LLC., as seller, and Dee Surbrook, as purchaser, which agreement was signed and entered into on April 17, 2017, without a memorandum having been recorded by a county recording officer, which contract covers that certain real property situated in Klamath County, Oregon, and which is more particularly described as follows:

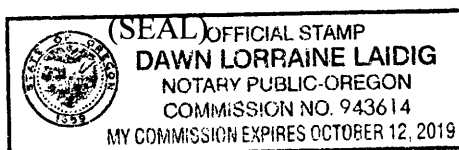
Lot 22, Block 121, KLAMATH FALLS FOREST ESTATES, HIGHWAY 66 UNIT, PLAT NO. 4, Klamath County, Oregon.

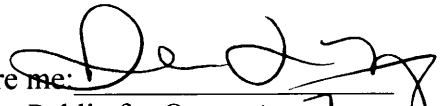
Subject to covenants, conditions, restrictions, easements, reservations, rights, rights of way and all matters appearing of record.

2. An Affidavit of Mailing Notice of Default, Exhibit "A" with a copy of the Notice of Default, Exhibit "B" are attached (Notice).
3. The default described in the Notice was not cured within the time specified, as required by ORS 93.915.
4. Proof of Mailing the Notice of Default an Affidavit of Mailing is attached hereto as Exhibit "C", and incorporated herein by this reference.
5. The Contract is hereby declared forfeited.
6. I make this affidavit as the attorney for the Sellers under the Contract.


Scott D. MacArthur, OSB 892960
Of Attorneys for Sellers

The foregoing instrument was acknowledged before me this 21st day of September, 2018, by Scott D. MacArthur.



Before me: 
Notary Public for Oregon
My Commission Expires: 10/12/19

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 PY Properties, LLC, as seller, and Dee Surbrook, as purchaser, which agreement was signed and entered into on April 17, 2017, without a memorandum having been recorded by a county recording officer.

2. **Property.** The property which is subject of the contract covers that certain real property situated in Klamath County, Oregon, and which is more particularly described as follows:

Lot 22, Block 121, KLAMATH FALLS FOREST ESTATES, HIGHWAY 66 UNIT, PLAT No. 4, Klamath County, Oregon.

3. **Nature of Default.** Pursuant to the Contract, Paragraph 11(D), "Buyer will make payments of \$272.00 plus taxes and loan servicing beginning will be made monthly for a period of 72 months." Paragraph 11(E), Payments will begin 5/18/2017 and will continue until 4/18/2023."

Pursuant to Paragraph 9, failure to perform any obligations contained in the Contract, with reasonable notice from seller specifying the nature of the default will result in a forfeiture. E-mail of May 24, 2018 attached provided reasonable notice to purchasers.

4. **Amount of Default.** Pursuant to the Contract, Paragraph 9, Seller has declared the whole unpaid principal balance of said purchase price with interest thereon at once due and payable.

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 September 16, 2018, the whole unpaid principal balance of said purchase price with interest thereon is paid.

7. **Name and Address of Attorney for Seller.** Scott D. MacArthur, Scott D. MacArthur, P.C., 125 S. 6th Street, Klamath Falls, OR 97601.

8. **Date Notice Mailed.** This notice is being deposited both first-class and certified mail with return receipt requested on July 9, 2018.

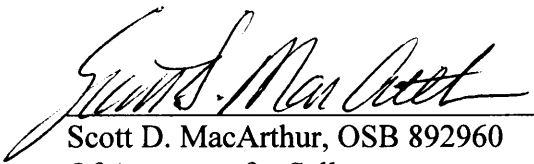

Scott D. MacArthur, OSB 892960
Of Attorneys for Sellers

Exhibit "A"

AFTER RECORDING RETURN TO:
Scott D. MacArthur, OSB 892960
Scott D. MacArthur, P.C.
125 S. 6th Street
Klamath Falls, OR 97601

AFFIDAVIT OF MAILING NOTICE OF DEFAULT


STATE OF OREGON)
) ss.
County of Klamath)

I, Scott D. MacArthur, under oath state as follows:

1. Attached as Exhibit "A" is a true and correct copy of Notice of Default pertaining to the contract described therein (Contract)
2. The Contract contains a "forfeiture remedy" as defined by ORS 90.905(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:

Dee Surbrook
P.O. Box 445
Bonanza, OR 97623

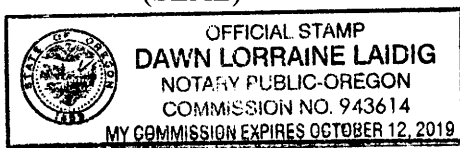
4. Attached as Exhibit "B" is a copy of the Certified Mail Receipt for each of the addresses named in Item 3 above.
5. I make this affidavit as attorney for and on behalf of PY Properties, LLC

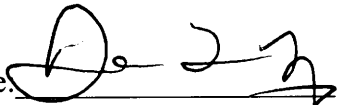


Scott D. MacArthur, OSB 892960
Of Attorneys for Sellers

The foregoing instrument was acknowledged before me this 21st day of September, 2018,
by Scott D. MacArthur.

(SEAL)



Before me: 

Notary Public for Oregon
My Commission Expires: 10/12/19

Exhibit "B"

PP Properties

KLAMATH FALLS
317 S 7TH ST
KLAMATH FALLS
OR

97601-6170
4045760601

07/09/2018 (800)275-8777 2:11 PM

Product Description	Sale Qty	Final Price
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First-Class Mail Letter	1	\$0.50
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(Domestic)
(BONANZA, OR 97623)
(Weight: 0 Lb 0.60 Oz)
(Estimated Delivery Date)
(Wednesday 07/11/2018)

Certified	1	\$3.45
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(USPS Certified Mail #)
(70150640000185477867)

Return Receipt	1	\$2.75
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First-Class Mail	1	\$1.00
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Large Envelope

(Domestic)
(ALBANY, OR 97321)
(Weight: 0 Lb 0.90 Oz)
(Estimated Delivery Date)
(Wednesday 07/11/2018)

US Flag Coil/1	1	\$50.00
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(Unit Price: \$50.00)

Total		\$57.70
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Personal/Bus Check		\$57.70
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Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

7015 0640 0001 8547 7867

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

BONANZA 97623 OFFICIAL USE

Certified Mail Fee \$3.45
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.50

Total Postage and Fees \$6.70

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

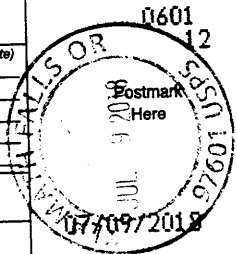


Exhibit "C"