

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

2019-008346
Klamath County, Oregon



07/24/2019 11:49:31 AM

Fee: \$97.00

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:

Chuck Miller /Joan Miller
P.O. Box 68
Sprague River, OR 97639

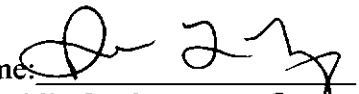
4. Attached as Exhibit "B" is a copy of the Certified Mail Receipt for each of the addresses named in Item 3 above.

5. I make this affidavit as attorney for and on behalf of Al Brackett and Helen Brackett.


Scott D. MacArthur, OSB 892960
Of Attorneys for Sellers

The foregoing instrument was acknowledged before me this 24th day of July, 2019, 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 Al Brackett and Helen Brackett, husband and wife, as seller, and Chuck Miller and Joan Miller, husband and wife, as purchaser, which agreement was signed and entered into on June 15, 2012, 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 located at 26610 Drews Road, Sprague River, OR 97639 in Klamath County, Oregon, and which is more particularly described as follows:

Lot 13, Block 3, of FIRST ADDITION TO NIMROD RIVER PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. TOGETHER WITH: a 1976 Fleetwood Manufactured Dwelling, Home Id # 202606, X # 130540, Vin # WAFL1A624640029. Situated on the real property described above.

3. **Nature of Default.** Pursuant to the Contract, "Payments to be made by the 5th of each month beginning on July 5th 2012 in the sum of (four Hundred and Twenty Five Dollars and 50 cents (\$425.50) until the purchase price is fully paid." Total delinquent is \$12,750.00 as of July 17, 2019 together with late charges of \$750.00.

And in case the buyer shall fail to make the payments above required, or any of them, time being of the essence, punctually within 20 days of the time limited therefor, or fail to keep any agreement herein contained, or fail to keep any agreement herein contained, then the seller shall have the following rights and obligations:

To declare the contract cancelled for default and null and void, and to declare the purchaser's rights forfeited and the debt extinguished, and to retain sums previously paid hereunder by the buyer.

4. **Amount of Default.** Pursuant to the Contract, Seller has declared the whole unpaid principal balance of said purchase price with interest thereon at once due and payable \$51,089.64 as of July 17, 2019, plus interest.

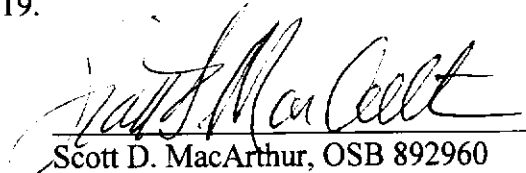
5. **Date Contract will be forfeited.** The Contract will be forfeited if the default is not cured by (60 DAYS FROM TODAY'S DATE.)

6. **How to Cure Default.** The default will be cured if by September 26, 2019, 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.

Exhibit "A" - 1

8. **Date Notice Mailed.** This notice is being deposited both first-class and certified mail with return receipt requested on July 23, 2019.



Scott D. MacArthur, OSB 892960
Of Attorneys for Sellers

Exhibit "A" - 2

7015 0640 0001 8547 8321

CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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

SPRAGUE RIVER, OR 97639

Certified Mail Fee \$3.50

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 \$0.00

Total Postage and Fees \$0.00

Sent To *Chuck Miller / Joan Miller*

Street and Apt. No., or PO Box No. *P.O. Box 68*

City, State, ZIP+4® *Sprague River, OR 97639*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

KLAMATH FALLS
317 S 7TH ST
KLAMATH FALLS, OR 97601-6170
404576-0601
(800)275-8777
07/23/2019 04:08 PM

Product	Qty	Unit Price	Price
Purple Heart 12	1	\$0.55	\$0.55
First-Class Mail® Letter (Domestic)	1	\$0.55	\$0.55
(SPRAGUE RIVER, OR 97639) (Weight: 0 Lb 0.60 Oz) (Estimated Delivery Date) (Thursday 07/25/2019)			
Certified			\$3.50
(USPS Certified Mail #) (70150640000185478321)			
Return Receipt			\$2.80
(USPS Return Receipt #) (9590940249439063083311)			
Total:			\$7.40

Personal/Bus Check \$7.40

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.

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<https://postalexperience.com/Pos>
840-5970-0265-003-00025-63653-02

or scan this code with your mobile device:



or call 1-800-410-7420.

Exhibit 'B'