

2019-014660

Klamath County, Oregon



00251766201900146600050054

12/17/2019 04:02:58 PM

Fee: \$102.00

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.

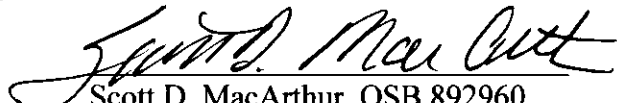
County of Klamath)

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:

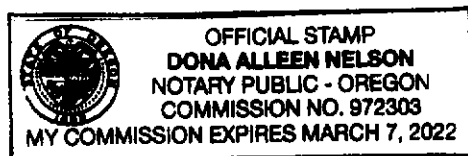
William Hoxsie and Lynn Roath
C/O Lynn Roath
General Delivery
Sprague River, OR 97639

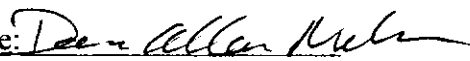
4. Attached as Exhibit "B" is a copy of the Certified Mail Receipt for each of the addresses named in Item 3 above.
5. I make this affidavit as attorney for and on behalf of DT Services, Inc..


Scott D. MacArthur, OSB 892960
Of Attorneys for Sellers

The foregoing instrument was acknowledged before me this 17th day of December, 2019, by Scott D. MacArthur.

(SEAL)



Before me: 
Notary Public for Oregon
My Commission Expires: 3-7-2022

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 D T Services, Inc, as seller, and William M. Hoxsie and Lynn Roath, as purchaser, which agreement was signed and entered into on June 16, 2016, 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 in Klamath County, Oregon, and which is more particularly described as follows:

Lot 08, Block 05, FERGUSON MOUNTAIN PINES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

3. **Nature of Default.**
Violation of the Klamath County Land Development Code, Standard 82.20 Unlawful Camping. Violation of the Disclosure Regarding Camping dated June 22, 2016.
A Copy of the Violation Notice is attached hereto as Exhibit "A"

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 \$16,428.65 as of December 6, 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 February 15, 2020, 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 December 13, 2019.



Scott D. MacArthur, OSB 892960
Of Attorneys for Sellers



KLAMATH COUNTY CODE ENFORCEMENT

305 Main Street, Klamath Falls OR 97601
(541) 883-5121 # 5 Fax (541) 885-3644

December 11, 2019

CODE CASE # 483-19-000167-NVST

DT SERVICES INC
63 VIA PICO PLZ #544
SAN CLEMENTE, CA 92672

RE: R-3613-005B0-01800-000, BEATTY, OR

Dear Property Owner,

I issued Citation #10002 for failure to comply with Klamath County Code; below are the specific issues.


Klamath County Land Development Codes:

Klamath County Land Development Code Standard 82.20 allows camping on private property for up to 21 days in any 6 month period. Klamath County Land Development Code further states: The definition of camping is the occupancy of private property within a tent, tent trailer, shelter, vehicle, or recreation vehicle not within an authorization / designated camping facility and deemed a nuisance.

The 1st appearance court hearing is scheduled for Tuesday, January 14, 2019, 2020, between 1:30pm and 3:30pm to enter a plea with the Justice Court at 6500 S. 6th Street, Klamath Falls, OR 97603

If all issues are abated prior to court, we will dismiss this citation. Please contact us by January 6th, 2020 so we can re-inspect the property for compliance.

Thank you in advance for your attention to this matter.


Jason Adams
Code Enforcement Officer
Klamath County Oregon

Ex "A" page 1

CITATION AND SUMMONS TO APPEAR IN COURT

Please appear in the marked location below.

☐ Circuit Court of the State of Oregon, County of Klamath
316 Main St., Klamath Falls, Oregon

☒ Justice Court of the State of Oregon, County of Klamath
6500 S. 6th St., Klamath Falls, Oregon

KLAMATH COUNTY, OREGON

No 10002

Name DT Services Inc
Last First Middle

Address 43 Via Pura 172 #504 Phone _____

City and State San Ysidro, CA Zip 92672

Identification _____ D.O.B. _____

At the location of B-3013-KCSBO-01800-CC at 1:37 P M.

On the 9 day of December, 2019, in Klamath County,

Oregon you did unlawfully commit the offense of

Klamath County Land Development

Article 8.2: 17.20-

See Exhibit A

401.310 Contrary to KCC Section/KC Ord: KCCDC
Article 8.2, certify that I have been authorized to issue this Citation and Summons, that I have reasonable grounds to, and do believe that the above named person committed the above offense contrary to the County Code/Ordinance, and that I served a copy of this complaint and summons on the above named person.

12/9/19 (Date) [Signature] (Enforcement Officer)

SUMMONS

You are summoned to appear in the above court on

the 14 day of January, 2020

at 1:30-3:30 P.M. and plead to said charge.

IMPORTANT NOTICE: If you fail to appear, the Court may immediately enter a default judgment against you.

(Instructions on reverse side.)

SCHEDULED PENALTY

\$ 720-

Ex "A" page 2

See Exhibit A

Name
DT Services Inc
FIRST
MIDDLE