

Returned at Counter

2024-003373

Klamath County, Oregon



00327843202400033730070079

05/01/2024 03:38:21 PM

Fee: \$112.00

AFTER RECORDING, RETURN TO:

Amy N. Barnhouse
Attorney at Law
1775 Washburn Way, #110
Klamath Falls, Oregon 97603

DECLARATION OF FORFEITURE

STATE OF OREGON)
) ss.
County of Klamath)

I, Amy N. Barnhouse, under oath, state as follows:

1. This declaration pertains to that certain Contract of Sale (Contract) dated September 20, 2023 between Calvin L. Casebier as **Seller**, and Donna McKenzie as **Purchaser**, a memorandum of which was recorded on October 6, 2023 Document Number 2023-008685, Official Records of Klamath County, Oregon, which covers that certain real property situated in Klamath County, Oregon known as 18142 Hwy. 58, Crescent Lake, Oregon, and is more particularly described as follows:


**''
Klamath County Assessors Map 24-07-17 TL #300
Tax Parcels R144793**

Commencing at the 5/8" iron pin and aluminum cap marking the East one-quarter corner of Section 18, Township 24 South, Range 7 East of the Willamette Meridian and the Initial Point of the plat of Tract No. 1052 Crescent Pines, recorded in Klamath County, Oregon plat records; thence N 74°59'35" W 274.32 feet along the North line of said plat to an iron pin marking the Northwest corner of Lot 1, Block 4 thereof; thence N 52°43'28" W 60.00 feet continuing along the North line of said plat, being the Northerly right of way line of Pine Creek Loop, to a point; thence N 56°53'13" E, 378 feet, more or less along the southeasterly line of Parcel 3 of Klamath County Partition Plat 81-24 to its intersection with the West line of the SW ¼ SW ¼ NW ¼ of Section 17, Township 24 South, Range 7 East of the Willamette Meridian and being the Point of Beginning; thence continuing N 56°53'13" E 116.63 feet, more or less, along said southeasterly line of Parcel 3 to a point on the Southerly right of way of the Willamette Highway 58; thence S 52°43'28" E 620.00 feet, more or less, along the Southerly right of way line of said highway to its intersection with the South line of the SW ¼ SW ¼ NW ¼ of Section 17, Township 24 South, Range 7 East of the Willamette Meridian; thence Westerly along the South line of said SW ¼ SW ¼ NW ¼ of Section 17 to said 5/8" iron pin and aluminum cap marking the East one-quarter corner of Section 18, thence northerly along the Westerly line of said SW ¼ SW ¼ NW ¼ of Section 17 to the Point of Beginning in Klamath County, Oregon.

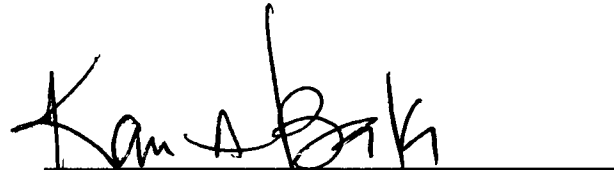
2. An Affidavit of Mailing of Notice of Default, with a copy of the Notice of Default attached (Notice), was recorded on January 31, 2024, Instrument No. 2024-000800, Official records of

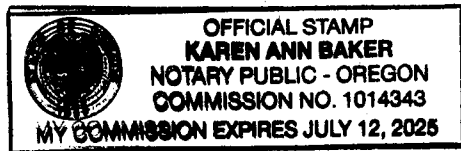
Klamath County, Oregon. A copy of the recorded Notice of Default with Affidavit of Mailing/Service of Notice of Default is attached hereto as Exhibit "A" and made a part hereof.

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 declaration pursuant to ORS 93.930 and as the attorney for the Seller under the Contract.


Amy N. Barnhouse, OSB No. 952070

This instrument was acknowledged before me by Amy N. Barnhouse on May 1, 2024.


Notary Public for Oregon
My commission expires: 7-12-25



2024-000800

Klamath County, Oregon



01/31/2024 03:00:14 PM

Fee: \$102.00

AFFIDAVIT OF MAILING NOTICE OF DEFAULT

Returned at Counter
Amy Barnhouse
Attorney at Law


STATE OF OREGON)
)
County of Klamath)

I, Amy N. Barnhouse, having been duly sworn and under penalty of perjury, depose and state:

I am the attorney for Calvin L. Casebier, the Seller under that Contract of Sale dated September 20, 2023. I make this affidavit as proof of mailing of the attached Notice of Default upon Donna McKenzie pursuant ORS 93.915.

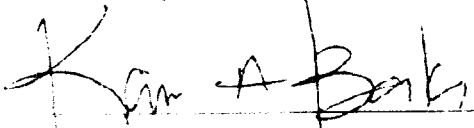
On January 31, 2024, I served the Notice of Default via First Class Mail and Certified Mail Return Receipt Requested with postage prepaid to:

Donna McKenzie
P.O. Box 1118
Crescent Lake, OR 97733

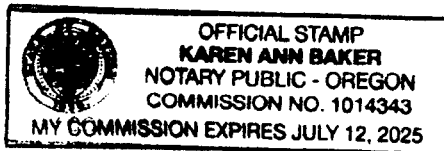


Amy N. Barnhouse

SUBSCRIBED AND SWORN before me on 31st day of January, 2024.



Notary Public for Oregon
My Commission Expires: 7-12-2025



AFTER RECORDING, RETURN TO:

Amy N. Barnhouse
Attorney at Law
1775 Washburn Way, #110
Klamath Falls, Oregon 97603

NOTICE OF DEFAULT

TO: Donna McKenzie
PO Box 1118
Crescent Lake, OR 97733

This Notice of Default is giving 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) dated September 20, 2023 between Calvin L. Casebier as Seller, and Donna McKenzie as Purchaser, a memorandum of which was recorded on October 6, 2023 Document Number 2023-008685, Official Records of Klamath County, Oregon.

2. **Property.** The Property which is the subject of the Contract is known as 18142 Hwy. 58, Crescent Lake, Oregon, and is more particularly described as follows:

See attached Exhibit "A" attached hereto and incorporated herein by reference.

3. **Nature of Default.**

- a. The default is your failure to make timely payments. The delinquent amount is \$3,900.00 for the months of November 2023, December 2023 and January 2024 plus late fees equal to 5% of the monthly payments for November 2023, December 2023 and January 2024 in the amount of \$270.00 for a total of \$4,170.00.
- b. Other defaults of the Contract are: You have failed to obtain homeowner's insurance naming Mr. Casebier as a loss payee in violation of the loan agreement. You are responsible for payment of the property taxes and have failed to pay those taxes in the amount of \$961.06. You transferred utilities into your name in January, 2024. You are responsible for payment of all utilities under the Land Sale Contract. You have failed to pay the electricity bills for the months of October, November and December, 2023 in the amount of \$573.85.

4. **Amount of Default.** The amount of the default is itemized below:

November Payment:	\$ 300.00
December Payment:	\$1,800.00
January Payment:	\$1,800.00

November Late Charge:	\$ 90.00
December Late Charge:	\$ 90.00
January Late Charge:	\$ 90.00
Oct. & Nov. Electricity	\$ 330.00
December Electricity	\$ 243.85
Property Taxes	<u>\$ 961.06</u>

Total Due: \$5,704.91

5. **Date Contract Will Be Forfeited.** IF YOU DO NOT CORRECT THE DEFAULT WITHIN THE TIME PERIOD INDICATED BELOW, THE SELLER MAY RETAKE POSSESSION OF THE PROPERTY AND YOU WILL HAVE FORFEITED ALL PAYMENTS MADE ON THE CONTRACT.

YOU HAVE 90 DAYS FROM THE DATE THIS NOTICE IS MAILED TO CORRECT ANY AND ALL DEFAULTS OF THE CONTRACT OF SALE. THE CONTRACT WILL BE FORFEITED IF THE DEFAULT IS NOT CURED BY 11:59 PM (the end of the day) on APRIL 30, 2024.

Pursuant to ORS 93.915(5), the time after which the contract will be forfeited if the default is not cured shall conclusively be presumed to be correct and the notice adequate, unless one or more recipients of such notice notifies the seller or the attorney for the seller, by registered or certified mail, that such recipient claims the right to a longer period of time in which to cure the default.

6. **How to Cure Default.** The default will be cured if the following occur no later than 11:59 p.m. on April 30, 2024:

- a. The sum of \$5,704.91 is received on account of the Contract by the Seller;
- b. The additional amount of \$452.00 is received by the Seller. This sum consists of the following:
 - i. Recording Fee: \$ 102.00
 - ii. Attorney Fees: \$350.00

Total Additional Fees: \$452.00
- c. You obtain homeowner's insurance in an amount not less than \$431,785.30 naming Mr. Casebier as a loss payee and proof of such policy naming Mr. Casebier as a loss payee is received by the Seller.
- d. The additional sum of \$1,800 each, as the monthly installments due February 1, 2024, March 1, 2024, April 1, 2024 is received by the Seller.

7. Name and Address of Seller:

Calvin L. Casebier
P.O. Box 1121

Crescent Lake, OR 97733

8. Name and Address of Attorney for Seller

Amy N. Barnhouse
Attorney at Law
1775 Washburn Way, #110
Klamath Falls, Oregon 97603

9. Disclosures

If you are a veteran of the armed forces, assistance may be available from a county veterans' service officer or community action agency. Call 2-1-1 information service to learn about resources in your area.

Pursuant to ORS 408.515, the following information is provided:

If you are a veteran of the armed forces, you may be able to obtain assistance by contacting a service officer at:

Klamath County Veterans' Office
3328 Vandenberg Ave.
Klamath Falls, OR 97603
(541) 883-4274

You may also be able to obtain assistance by contacting the below community action agency.

Klamath & Lake Community Action Services (KLAS)
2316 South Sixth St., Suite C
Klamath Falls, OR 97601
(541) 882-3500

10. Date Notice Mailed. This notice is provided to you by both First-Class Mail and Certified Mail with return receipt requested.

Signed and Mailed First Class Mail and Certified Mail on January 31, 2024.

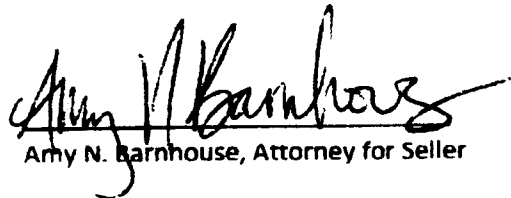

Amy N. Barnhouse, Attorney for Seller

EXHIBIT "A"
LEGAL DESCRIPTION

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Klamath County Assessors Map 24-07-17 TL #300
Tax Parcels R144793

Commencing at the 5/8" iron pin and aluminum cap marking the East one-quarter corner of Section 18, Township 24 South, Range 7 East of the Willamette Meridian and the Initial Point of the plat of Tract No. 1052 Crescent Pines, recorded in Klamath County. Oregon plat records; thence N 74°59'35" W 274.32 feet along the North line of said plat to an iron pin marking the Northwest corner of Lot 1, Block 4 thereof; thence N 52°43'28" W 60.00 feet continuing along the North line of said plat, being the Northerly right of way line of Pine Creek Loop, to a point; thence N 56°53'13" E, 378 feet, more or less along the southeasterly line of Parcel 3 of Klamath County Partition Plat 81-24 to its intersection with the West line of the SW ¼ SW ¼ NW ¼ of Section 17, Township 24 South, Range 7 East of the Willamette Meridian and being the Point of Beginning; thence continuing N 56°53'13" E 116.63 feet, more or less, along said southeasterly line of Parcel 3 to a point on the Southerly right of way of the Willamette Highway 58; thence S 52°43'28" E 620.00 feet, more or less, along the Southerly right of way line of said highway to its intersection with the South line of the SW ¼ SW ¼ NW ¼ of Section 17, Township 24 South, Range 7 East of the Willamette Meridian; thence Westerly along the South line of said SW ¼ SW ¼ NW ¼ of Section 17 to said 5/8" iron pin and aluminum cap marking the East one-quarter corner of Section 18, thence northerly along the Westerly line of said SW ¼ SW ¼ NW ¼ of Section 17 to the Point of Beginning in Klamath County, Oregon.