

Returned at Counter

2025-005818

Klamath County, Oregon



00344412202500058180070076

07/09/2025 10:15:56 AM

Fee: \$117.00

After Recording Return to:
Brandsness, Brandsness & Rudd, P.C.
411 Pine Street
Klamath Falls, OR 97601

DECLARATION OF FORFEITURE

STATE OF OREGON)
) ss.
County of Klamath)

I, Michael P. Rudd, under oath state as follows:

1. This declaration pertains to that certain Contract of Sale ("Contract") between James F. Gansberg and Jeannette L. Gansberg, Trustees of the Aliquando Trust, as Sellers, and 1776 Washburn, LLC, an Oregon limited liability company, and Tory B. Powless, individually, as Purchasers. The property which is the subject of the contract is known as 1776 Washburn Way, Klamath Falls, OR 97603, and is more particularly described on the attached Exhibit A.

2. A Notice of Default ("Notice") ("Exhibit B") was sent First-Class Mail, Certified Mail/Return Receipt to the Purchaser on May 6, 2025.

3. The default described in the Notice was not cured within the time specified, as required by ORS 93.915.

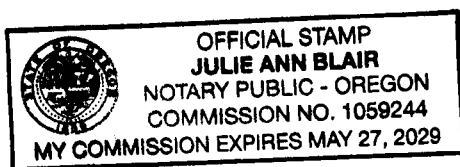
4. The Contract is hereby declared forfeited.

5. I make this declaration as attorney for and on behalf of James F. Gansberg and Jeannette L. Gansberg, Trustees of the Aliquando Trust.

Dated this 9th day of July, 2025.

Michael Rudd, OSB# 934181
Attorney for James F. Gansberg and Jeannette L.
Gansberg, Trustees of the Aliquando Trust

This instrument was acknowledged before me on July 9, 2025 by Michael P. Rudd.



Notary Public for Oregon
My commission expires: 05/27/2029

EXHIBIT A

File No.: 7169-4265654

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Klamath, STATE OF OR, AND IS DESCRIBED AS FOLLOWS:

Beginning at the Northeast corner of Lot 9, Block 3, SIXTH STREET ADDITION to the City of Klamath Falls, Oregon, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon; thence West 50 feet along the North line of said Lot 9; thence South 56.12 feet, more or less, to the Southwesterly line of Lot 10 of said Block 3, which is also the Northeasterly line of Pershing Way in said Addition; thence Southeasterly along said Northeasterly line of Pershing Way a distance of 60.43 feet, to the most Southerly corner of said Lot 10; thence North 90.55 feet along the East line of said Lots 10 and 9, to the Point of Beginning, being a portion of Lots 9 and 10, Block 3, SIXTH STREET ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Together with that portion of the West 1/2 of the vacated alley which inured thereto, which was vacated by Ordinance No. 6505, recorded September 3, 1986 in Volume M86, Page 15784, Microfilm Records of Klamath County, Oregon.

Also, Lots 19, 20, 21, 22 and 23, Block 3, SOUTH SIXTH STREET ADDITION TO THE CITY OF KLAMATH FALLS, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

Together with 1/2 of vacated alley adjacent on the West of Lots 19, 20, 21, 22 and 23.

EXHIBIT A

NOTICE OF DEFAULT

Via First-Class Mail; Certified Mail/Return Receipt

1776 Washburn, LLC
c/o Tory Powless, Agent for Service
1776 Washburn Way
Klamath Falls, OR 97603

Tory Powless
4738 Sturdivant Avenue
Klamath Falls, OR 97603

Tory Powless
1776 Washburn Way
Klamath Falls, OR 97603

Tory Powless
5660 Sunset Ridge Road
Klamath Falls, OR 97601

Tory Powless
223 N. Spring Street
Klamath Falls, OR 97601

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 James F. Gansberg and Jeannette L. Gansberg, Trustees of the Aliquando Trust, as Sellers, and 1776 Washburn, LLC, an Oregon limited liability company, and Tory B. Powless, individually, as Purchasers, a memorandum of which was recorded on September 6, 2022, as Document 2022-010826, Official Records of Klamath County, Oregon.

2. *Property.* The property which is the subject of the contract is known as 1776 Washburn Way, Klamath Falls, OR 97603, and is more particularly described on the attached Exhibit A.

3. *Nature of Default.* The default consists of Purchasers' failure to make monthly payments for November 2024, and January, February, March and April 2025, and that was due on the first day of each month. The further default is Purchasers' failure to pay real property taxes.

4. *Amount of Default.* The amount of default is \$295,964.39, plus interest rate of 7% per annum from April 10, 2025, until paid, plus unpaid real property taxes with the current balance due of \$14,328.61.

5. *Date Contract Will Be Forfeited.* The Contract will be forfeited if the default is not cured by midnight on July 8, 2025.

6. *How to Cure Default.* Default to be cured if by July 8, 2025, the following occurs:

6.1 The sum of \$295,964.39, plus interest rate of 7% percent per annum from April 10, 2025, until paid, is *received* on account of the Contract by AmeriTitle.

6.2 The additional sum of \$14,328.61 is *received* on account of this matter by the Klamath County Tax Collector.

6.3 The additional sum of \$2,494.20 is received on account of this matter by Michael P. Rudd. This sum consists of the following:

6.3.1 Late charges of \$399.20

6.3.2 Recording Fees of \$95.00

6.3.3 Attorney Fees of \$2,000.00

6.4 The additional sum of \$1,996.00 each, as the monthly installment due on the first day of each month, plus taxes owing, is *received* on account of the Contract by AmeriTitle.

7. *Name and Address of Escrow Agent.*

AmeriTitle
404 Main Street, Suite 1
Klamath Falls, OR 974601

8. *Name and Address of Attorney for Sellers.*

Michael P. Rudd
Brandsness, Brandsness & Rudd P.C.
411 Pine Street
Klamath Falls, OR 97601

9. *Date Notice Mailed.* This notice is being deposited in first-class mail to the last known address of the following persons or their legal representatives on May 6, 2025.

1776 Washburn, LLC	Tory Powless
c/o Tory Powless, Agent for Service	4738 Sturdivant Avenue
1776 Washurn Way	Klamath Falls, OR 97603
Klamath Falls, OR 97603	

Tory Powless	Tory Powless
1776 Washburn Way	5660 Sunset Ridge Road
Klamath Falls, OR 97603	Klamath Falls, OR 97601

Tory Powless
223 N. Spring Street
Klamath Falls, OR 97601

IMPORTANT CONSUMER NOTICE

UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to you. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

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Together with 1/2 of vacated alley adjacent on the West of Lots 19, 20, 21, 22 and 23.

EXHIBIT B

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

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

OFFICIAL USE

Certified Mail Fee \$4.85 4.85

Extra Services & Fees (check box, add fee to postage)

☒ Return Receipt (hardcopy) \$4.10

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.01 1.01

Total Postage and Fees \$9.96 9.96

Sent To TORY POWLESS

Street and Apt. No., or PO Box No. 1776 WASHBURN WAY

City, State, ZIP+4® KLAMATH FALLS, OR 97601

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

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.01 1.01

Total Postage and Fees \$9.96 9.96

Sent To TORY POWLESS

Street and Apt. No., or PO Box No. 4753 STURDIVANT AVENUE

City, State, ZIP+4® KLAMATH FALLS, OR 97603

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

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☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.01 1.01

Total Postage and Fees \$9.96 9.96

Sent To TORY POWLESS

Street and Apt. No., or PO Box No. 233 N. SPRING STREET

City, State, ZIP+4® KLAMATH FALLS, OR 97601

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

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☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.01 .73

Total Postage and Fees \$9.96 9.68

Sent To 1776 WASHBURN, LLC / TORY POWLESS

Street and Apt. No., or PO Box No. 1776 WASHBURN WAY

City, State, ZIP+4® KLAMATH FALLS, OR 97603

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

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☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.01 1.01

Total Postage and Fees \$9.96 9.96

Sent To TORY POWLESS

Street and Apt. No., or PO Box No. 5660 SUNSET RIDGE ROAD

City, State, ZIP+4® KLAMATH FALLS, OR 97601

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