

2008-016419

Klamath County, Oregon



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12/12/2008 09:29:12 AM

Fee: \$31.00

**NOTICE OF PENDENCY OF AN ACTION**

After recording, return to:  
William A. Drew  
Elliott, Ostrander & Preston, P.C.  
707 SW Washington St., Suite 1500  
Portland, Oregon 97205

Pursuant to ORS 93.740, the undersigned states:

1. As plaintiff, Police and Fire Retirement System of the City of Detroit, has filed an action in the United States District Court for the Northern District of California, Case No. CV-08-5316-PJH;
2. The defendants are: Orchard Park, LLC; Crystal Terrace Retirement Community, LLC; Sanddollar Village Assisted Living, LLC; Jon M. Harder; Darryl E. Fisher; Capital Managers, LLC; and DOES 1 through 10, inclusive.
3. The object of the action is: An action for (1) Judicial Foreclosure; (2) Specific Performance of Deeds of Trusts (Assignment of Rents, Appointment of a Receiver and Injunctive Relief); (3) Breaches of Guarantees; and (4) Accountings;
4. The description of the real property to be affected is:

Certain real property located in Klamath County, Oregon and commonly known as the Crystal Terrace Retirement Community, located at 1000 Town Center Drive, Klamath Falls, Oregon 97601, as more particularly described in Exhibit "A" attached hereto and incorporated by reference herein.

Dated this 8th day of December, 2008.

ELLIOTT, OSTRANDER & PRESTON, P.C.

By 

WILLIAM A. DREW, OSB NO. 95253  
Attorneys for Plaintiff  
POLICE AND FIRE RETIREMENT SYSTEM  
OF THE CITY OF DETROIT

Name: William A. Drew  
Address: Elliott, Ostrander & Preston, P.C.  
707 SW Washington St., Suite 1500  
Portland, Oregon 97205  
Phone No.: (503) 224-7712

STATE OF OREGON ) ss.  
County of Multnomah )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of December, 2008.



Suzie R. Fujioka  
Notary Public for Oregon  
My Commission Expires: 8/6/2012

**EXHIBIT "A"**

**Legal Description**

Real property in the City of Klamath Falls, County of Klamath, State of Oregon, described as follows:

**PARCEL A:**

A parcel of land situated in the SE ¼ NE ¼ of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Parcel 1 of Land Partition 62-00 filed in Klamath County, Oregon

**PARCEL B:**

Easement as disclosed in Agreement for Reciprocal Access Easement, recorded June 8, 2001 in Volume M-01 on page 27242, records of Klamath County, Oregon.

APN: R428059

**FANNIE MAE MULTIFAMILY SECURITY INSTRUMENT -  
OREGON  
Crystal Terrace Retirement Community**

**Form 4038 11/01Page A-1**

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