

EC

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



**NOTICE OF DEFAULT
AND ELECTION TO SELL**

RE: Trust Deed from
Ore-Cal Land Development LLC

To

Grantor

Pacific Trust Deed Servicing Co.

Trustee

After recording, return to (Name Address, Zip)

Return to (Name, Address, Zip):
PATRICK J. KELLY
ATTORNEY AT LAW
717 N.W. 5th STREET
GRANTS PASS, OR 97526

2009-000425

Klamath County, Oregon



00058712200900004250030031

SPACE RESEF

FOR

RECORDED'S L

01/14/2009 02:52:33 PM

Fee: \$31.00

First 1337667
Reference is made

Reference is made to that certain trust deed made by Ore-Cal Land Development LLC

Reference is made to that certain trust deed made by _____, as grantor, to
Pacific Trust Deed Servicing Company, Inc., an Oregon Corporation, as trustee,
in favor of Rogue River Mortgage, LLC, as beneficiary,
dated September 10, 2007, recorded on September 19, 2007, in the Records of
Klamath County, Oregon, in ~~Book~~ ~~Page~~ ~~Volume~~ ~~No.~~ ~~XXXXXX~~ at ~~page~~ ~~XXXXXX~~
and/or as ~~File~~ ~~Doc~~ ☒ Instrument ~~Exception~~ ~~No.~~ 2007-016509 (indicate which), covering the following
described real property situated in the above-mentioned county and state, to-wit:

SEE EXHIBIT "A"

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of a successor trustee have been made, except as recorded in the Records of the county or counties in which the above-described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by grantor or other person owing an obligation, performance of which is secured by the trust deed, or by the successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision. The default for which foreclosure is made is grantor's failure to pay when due the following sums:

The October 19, 2008 monthly installments in the total amount of \$17,708.35 and each month thereafter, plus buyer's fees in the total amount of \$25.00, plus late charges in the total amount of \$5,274.75.

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

The unpaid balances of \$1,700,000.00 with interest thereon at 12.5% per annum from September 19, 2008 until paid, plus late charges of \$5,274.75.

(OVER)

F3K



Notice hereby is given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The sale will be held at the hour of 1:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on June 10, 2009, at the following place: Klamath County Courthouse,
305 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to grantor or of any lessee or other person in possession of or occupying the property, except:

Name and Last Known Address

Nature of Right, Lien or Interest

NONE

Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying the sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED January 12, 2009

Patrick J. Kelly, Successor Trustee
 717 NW 5th Street
 Grants Pass, OR 97526
 (541) 474-1908

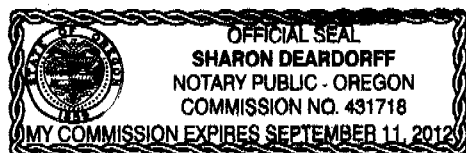
PATRICK J. KELLY

☐ Trustee ☒ Beneficiary ☐ Indicate which

STATE OF OREGON, County of Josephine) ss.

This instrument was acknowledged before me on January 12, 2009
 by Patrick J. Kelly

This instrument was acknowledged before me on _____
 by _____
 as _____
 of _____



Sharon Deardorff
 Notary Public for Oregon

My commission expires 9-11-2012

EXHIBIT "A"

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

ALL OF VACATED BLOCKS 122, 123, 133, 134, 135, 136, 137, 138 AND 139.

THAT PORTION OF VACATED BLOCK 119 OF BUENA VISTA ADDITION TO THE CITY OF KLAMATH FALLS, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF LOT 2, BLOCK 119 WHICH IS SOUTHWESTERLY A DISTANCE OF 270.00 FEET FROM THE NORTHEAST CORNER OF SAID BLOCK 119; THENCE SOUTHWESTERLY TO THE SOUTHEASTERLY CORNER OF LOT 2; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK, 137.17 FEET TO THE SOUTHWEST CORNER OF LOT 1; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID BLOCK A DISTANCE OF 145.16 FEET, MORE OR LESS, TO A POINT OF THE NORTHWESTERLY LINE OF LOT 4; SAID POINT ALSO BEING SOUTHWESTERLY 155.0 FEET FROM THE MOST NORTHERLY CORNER OF SAID BLOCK 119; THENCE SOUTHEASTERLY IN A STRAIGHT LINE A DISTANCE OF 210.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

LOTS 1, 2, 3, 4, 5 AND 6 IN VACATED BLOCK 120.

A PARCEL OF LAND LYING IN VACATED BLOCK 125, BUENA VISTA ADDITION KLAMATH FALLS, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID BLOCK 125; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 125, A DISTANCE OF 85 FEET; THENCE SOUTHERLY IN A STRAIGHT LINE 260 FEET, MORE OR LESS, TO A POINT ON THE SOUTHEASTERLY LINE OF SAID BLOCK 125, SAID POINT OF BEING 110 FEET SOUTHWESTERLY OF THE MOST EASTERLY CORNER OF SAID BLOCK 125; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK 125, A DISTANCE OF 65 FEET TO THE MOST SOUTHERLY CORNER OF SAID BLOCK 125; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 125, A DISTANCE OF 320 FEET, MORE OR LESS, TO THE MOST WESTERLY CORNER OF SAID BLOCK 125; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID BLOCK 125 A DISTANCE OF 168.4 FEET TO THE PLACE OF BEGINNING.

ALL LOCATED IN BUENA VISTA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

ALSO TOGETHER WITH THAT PORTION OF VACATED STREETS BY ORDINANCE NO. 06-14 WHICH RECORDED JULY 11, 2006 IN VOLUME M06, VOLUME 13985, RECORDS OF KLAMATH COUNTY, OREGON.

Tax Parcel Number: R299199 and R787777 and R787786