

2009-002378

Klamath County, Oregon



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02/17/2009 03:05:47 PM

Fee: \$56.00

AFTER RECORDING RETURN TO:
Brent G. Summers, Esq.
650 SW Redwood Lane, Suite 215
Portland, OR 97224
70012 0008 0044

151 1326871

This space provided for recorder's use.

**NOTICE OF PENDENCY
OF AN ACTION**

Pursuant to ORS 93.740, the undersigned states:

As plaintiff, Columbia Community Bank Corporation, an Oregon corporation, has filed an action on February 10, 2009, in the Circuit Court for Klamath County, State of Oregon, as Case No. 0900545CV.

1. The defendants are: SOUTHVIEW PROPERTIES, L.L.C., an Oregon limited liability company, previously known as Southview Properties Development, LLC, an Oregon limited liability company; KCS DEVELOPMENT, LLC, an Oregon limited liability company; SOUTHVIEW WATER SERVICES, L.L.C., an Oregon limited liability company; KCS HOLDINGS, LLC, a Washington limited liability company; DOUGLAS D. BESSERT, an individual; GREGORY P. BESSERT, an individual; and MARGARET M. HENKLE-BESSERT, an individual; LTM, Incorporated, an Oregon corporation; PLATT ELECTRIC SUPPLY, INC., an Oregon corporation; DAN MARTIN CONSTRUCTION, INC., an Oregon corporation; JUNIOR LIENHOLDER NO. 1; and JUNIOR LIENHOLDER NO. 2.
2. The object of the action is: Judicial foreclosure of real property trust deeds.
3. The description of the real property to be affected is: See attached Exhibit A.

Dated this 13th day of February, 2009.

TARLOW NAITO & SUMMERS, LLP

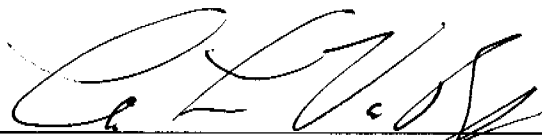
Brent G. Summers OSB No. 824060
Of Attorneys for Plaintiff

Name: Brent G. Summers, Esq.
Firm Name: Tarlow Naito & Summers, LLP
Address: 6650 SW Redwood Lane, Suite 215
Portland, OR 97224
Phone: (503) 968-9000

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STATE OF OREGON)
) ss.
County of Washington)

The foregoing instrument was acknowledged before me this 13th day of February, 2009, by Brent G. Summers, of attorneys for plaintiff, Columbia Community Bank Corporation, an Oregon corporation.



Notary Public for Oregon

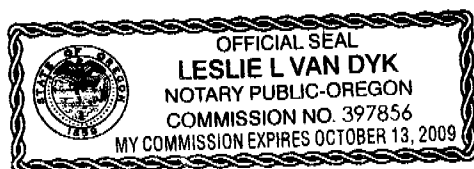


Exhibit "A"

LOT 3 OF TRACT 1508 THE GARDENS PHASE 1, ACCORDING TO THE OFFICIAL PLAT THEREOF
ON FILE IN THE OFFICE OF THE COUNTY CLERK, KLAMATH COUNTY, OREGON.

APN: R894997

LOT 18 OF TRACT 1508 THE GARDENS PHASE 1, ACCORDING TO THE OFFICIAL PLAT THEREOF
ON FILE IN THE OFFICE OF THE COUNTY CLERK, KLAMATH COUNTY, OREGON.

APN: R894993

LOT 19 OF TRACT 1508 THE GARDENS PHASE 1, ACCORDING TO THE OFFICIAL PLAT THEREOF
ON FILE IN THE OFFICE OF THE COUNTY CLERK, KLAMATH COUNTY, OREGON.

APN: R894994

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

BEGINNING AT THE INITIAL POINT, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 15 OF "TRACT 1416-THE WOODLANDS-PHASE 1", AS RECORDED AT THE KLAMATH COUNTY CLERKS OFFICE AND BEING MARKED BY A 5/8" REBAR WITH A YELLOW PLASTIC CAP STAMPED "LS 58985"; THENCE NORTH 63° 38' 02" EAST, 58.00 FEET; THENCE SOUTH 26° 21' 58" EAST, 280.65 FEET; THENCE SOUTH 63° 38' 02" WEST, 180.00 FEET; THENCE NORTH 26° 21' 58" WEST, 5.93 FEET; THENCE SOUTH 63° 38' 02" WEST, 357.77 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF WEST RIDGE DRIVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 56° 33' 39" WEST, 76.02 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 38° 08' 57" WEST, 50.17 FEET; THENCE SOUTH 73° 45' 48" WEST, 30.50 FEET TO A POINT OF NON-TANGENTIAL CURVATURE; THENCE ALONG THE ARC OF A 78.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 27° 14' 00" (THE LONG CHORD OF WHICH BEARS SOUTH 10° 28' 14" WEST, 36.73 FEET) AN ARC DISTANCE OF 37.07 FEET; THENCE SOUTH 03° 08' 46" EAST, 16.31 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 102.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 46° 48' 15" (THE LONG CHORD OF WHICH BEARS SOUTH 20° 15' 22" WEST, 81.03 FEET) AN ARC DISTANCE OF 83.32 FEET; THENCE SOUTH 43° 39' 29" WEST, 104.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 178.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08° 22' 10" (THE LONG CHORD OF WHICH BEARS SOUTH 39° 28' 24" WEST, 25.98 FEET) AN ARC DISTANCE OF 26.00 FEET; THENCE NORTH 54° 42' 41" WEST, 143.14 FEET; THENCE NORTH 42° 34' 20" EAST, 207.43 FEET; THENCE NORTH 38° 03' 28" EAST, 76.15 FEET TO A POINT OF NON-TANGENTIAL CURVATURE AND THE WESTERLY RIGHT-OF-WAY LINE OF WEST RIDGE DRIVE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A 560.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 15° 03' 27" (THE LONG CHORD OF WHICH BEARS NORTH 39° 16' 52" WEST, 146.75 FEET) AN ARC DISTANCE OF 147.17 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, NORTH 63° 38' 02" EAST, 50.24 FEET TO THE SOUTHWEST CORNER OF LOT 8 OF SAID "THE WOODLANDS-PHASE 1; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID "THE WOODLANDS-PHASE 1 THE FOLLOWING 16 COURSES; NORTH 63° 38' 02" EAST, 68.29 FEET; THENCE SOUTH 26° 21' 58" EAST, 5.00 FEET; THENCE NORTH 63° 38' 02" EAST, 65.00 FEET; THENCE NORTH 26° 21' 58" WEST, 10.00 FEET; THENCE NORTH 63° 38' 02" EAST, 65.01 FEET; THENCE SOUTH 26° 21' 58" EAST, 5.00 FEET; THENCE NORTH 63° 38' 02" EAST, 70.01 FEET; THENCE SOUTH 26° 21' 58" EAST, 5.00 FEET; THENCE NORTH 63° 38' 02" EAST, 65.01 FEET; THENCE NORTH 26° 21' 58" WEST, 10.00 FEET; THENCE NORTH 63° 38' 02" EAST, 65.01 FEET; THENCE SOUTH 26° 21' 58" EAST, 5.00 FEET; THENCE NORTH 63° 38' 02" EAST, 70.01 FEET; THENCE SOUTH 26° 21' 58" EAST, 4.93 FEET; THENCE NORTH 63° 42' 44" EAST, 52.00 FEET; THENCE NORTH 63° 38' 02" EAST, 70.00 FEET; TO THE POINT OF BEGINNING.

NOW KNOWN AS TRACT 1508 THE GARDENS PHASE I.

SAVING AND EXCEPTING THEREFROM LOT 3 OF TRACT 1508 THE GARDENS PHASE I.

Tax Parcel Number: R894981 and R894983 and R894984 and R894986 and R894987 and R894988 and R894989 and R894990 and R894992 and R894993 and R894994 and R894995 and R894996 and R894997 and R894998 and R894999 and R895000 and R895001

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

BEGINNING AT THE INITIAL POINT, SAID POINT BEING THE NORTHWEST CORNER OF LOT 106 OF THE "TRACT 1437-THE WOODLANDS-PHASE 2", A DULY RECORDED SUBDIVISION AT THE KLAMATH COUNTY CLERKS OFFICE, SAID POINT BEING A 5/8" REBAR WITH A YELLOW PLASTIC CAP MARKED "LS 58985"; THENCE NORTH 01° 04' 44" EAST, 230.00 FEET; THENCE NORTH 79° 01' 43" EAST, 62.99 FEET; THENCE SOUTH 56° 44' 10" EAST, 111.82 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 278.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 24° 47' 28" (THE LONG CHORD OF WHICH BEARS NORTH 51° 14' 18" EAST, 119.35 FEET) AN ARC DISTANCE OF 120.29 FEET; THENCE NORTH 63° 38' 02" EAST, 30.91 FEET; THENCE NORTH 25° 43' 57" WEST, 120.01 FEET; THENCE NORTH 63° 38' 02" EAST, 130.01 FEET; THENCE NORTH 25° 43' 57" WEST, 139.33 FEET; THENCE NORTH 23° 25' 20" EAST, 81.60 FEET; THENCE NORTH 63° 38' 02" EAST, 48.28 FEET; THENCE NORTH 25° 43' 57" WEST, 280.02 FEET; THENCE NORTH 63° 38' 02" EAST, 110.01 FEET; THENCE NORTH 25° 43' 57" WEST, 22.45 FEET; THENCE NORTH 64° 14' 53" EAST, 42.00 FEET; THENCE NORTH 63° 38' 02" EAST, 111.51 FEET; THENCE SOUTH 25° 43' 57" EAST, 844.05 FEET TO THE NORTHERLY BOUNDARY OF SAID "TRACT 1437-THE WOODLANDS-PHASE 2"; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING SEVEN COURSES; SOUTH 63° 38' 02" WEST, 103.54 FEET; THENCE NORTH 26° 21' 58" WEST, 68.00 FEET; THENCE SOUTH 63° 38' 02" WEST, 617.64 FEET; THENCE NORTH 84° 51' 53" WEST, 56.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 278.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 04° 03' 23" (THE LONG CHORD OF WHICH BEARS SOUTH 03° 06' 26" WEST, 19.68 FEET) AN ARC DISTANCE OF 19.68 FEET; THENCE SOUTH 01° 04' 44" WEST, 13.34 FEET; THENCE NORTH 88° 55' 16" WEST 98.00 FEET TO THE POINT OF BEGINNING; NOW KNOWN AS TRACT 1461 THE WOODLANDS PHASE 3.

Tax Parcel Number: R894847 and R894848 and R894849 and R894851 and R894852 and R894853 and R894854 and R894855 and R894858 and R894859 and R894860 and R894861 and R894862 and R894863 and R894864 and R894865 and R894866 and R894867 and R894868 and R894869 and R894870 and R894871 and R894872 and R894873 and R894874 and R894875 and R894876 and R894877 and R894878 and R894879 and R894880 and R894881 and R894882 and R894883 and R894884 and R894885

LOT 63, TRACT 1437 - THE WOODLANDS PHASE 2, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

APN: R892693

LOT 71, TRACT 1437 - THE WOODLANDS PHASE 2, IN THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF OF FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

APN: R892703

LOT 77, TRACT 1437 - THE WOODLANDS PHASE 2, IN THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

APN: R892709

LOT 96, TRACT 1437 - THE WOODLANDS PHASE 2, IN THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

APN: R892725

LOT 101 TRACT 1437-THE WOODLANDS PHASE 2, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

APN: R892730

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

A parcel of land situated in the NE 1/4 and SE 1/4 of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, the NE 1/4 of Section 1, Township 39 South, Range 8 East of the Willamette Meridian, and the NW 1/4 NW 1/4 of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, all in Klamath County, Oregon and being more particularly described as follows:

Beginning at a point on the north-south centerline of Section 36 from which the NW corner of the SW 1/4 NE 1/4 of said section bears North 00°11'27" East 427.59 feet; thence South 89°58'12" East 619.61 feet; thence South 27°18'39" East 3530.91 feet; thence South 62°41'21" West 250.36 feet; thence South 27°18'39" East 1811.20 feet to a point on the South line of the NW 1/4 NW 1/4 of Section 6; thence along said South line South 89°28'21" West 199.91 feet to the SW corner thereof; thence along the South line of the NE 1/4 NE 1/4 of Section 1 North 89°29'44" West 1330.62 feet to the SW corner of said NE 1/4 NE 1/4; thence along the West line of the SE 1/4 NE 1/4 of Section 1 South 00°06'44" East 458.90 feet to the Northerly right of way line of State Highway 140; thence along said Northerly right of way line North 56°12'28" West 194.88 feet; thence leaving said right of way line North 11°59'09" East 364.18 feet to the South line of the NW 1/4 NE 1/4 of Section 1; thence along said South line South 89°56'08" West 516.20 feet to the said Northerly right of way line of State Highway 140; thence along said Northerly right of way line North 50°28'23" West 199.25 feet; thence North 59°17'52" West 439.78 feet; thence leaving said Northerly right of way line North 36°42'45" West 329.35 feet to the North-South center section line of Section 1; thence along said center section line North 00°04'15" East 722.87 feet to the 1/4 corner common to Section 1 and Section 36; thence along the center section line of Section 36 North 00°11'27" East 3508.58 feet to the point of beginning.

SAVING AND EXCEPTING, Beginning at the Southeast corner of the NE 1/4 NE 1/4 of said Section 1; thence on the South line of said NE 1/4 NE 1/4 North 89°17'37" West 617.88 feet; thence leaving said South line North 27°18'39" West 235.77 feet; thence North 62°41'21" East 1183.54 feet; thence North 27°18'39" West 1195.51 feet; thence North 62°41'21" East 605.39 feet; thence South 27°18'39" East 1811.20 feet to the South line of the NW 1/4 NW 1/4 of said Section 6; thence South 89°28'21" West 199.91 feet on said South line, to the point of beginning.

AND FURTHER EXCEPTING Tract 1416-The Woodlands, Phase 1 and Tract 1437-The Woodlands, Phase 2, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

Also Further Excepting Tract 1461, the Woodlands, Phase 3 and Tract 1508, The Gardens Phase I.

Tax Parcel Number: R420315 and R420299 and R492292

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

A parcel of land situated in the NE 1/4 and SE 1/4 of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, the NE 1/4 of Section 1, Township 39 South, Range 8 East of the Willamette Meridian, and the NW 1/4 NW 1/4 of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, all in Klamath County, Oregon and being more particularly described as follows:

Beginning at a point on the north-south centerline of Section 36 from which the NW corner of the SW 1/4 NE 1/4 of said section bears North 00°11'27" East 427.59 feet; thence South 89°58'12" East 619.61 feet; thence South 27°18'39" East 3530.91 feet; thence South 62°41'21" West 250.36 feet; thence South 27°18'39" East 1811.20 feet to a point on the South line of the NW 1/4 NW 1/4 of Section 6; thence along said South line South 89°28'21" West 199.91 feet to the SW corner thereof; thence along the South line of the NE 1/4 NE 1/4 of Section 1 North 89°29'44" West 1330.62 feet to the SW corner of said NE 1/4 NE 1/4; thence along the West line of the SE 1/4 NE 1/4 of Section 1 South 00°06'44" East 458.90 feet to the Northerly right of way line of State Highway 140; thence along said Northerly right of way line North 56°12'28" West 194.88 feet; thence leaving said right of way line North 11°59'09" East 364.18 feet to the South line of the NW 1/4 NE 1/4 of Section 1; thence along said South line South 89°56'08" West 516.20 feet to the said Northerly right of way line of State Highway 140; thence along said Northerly right of way line North 50°28'23" West 199.25 feet; thence North 59°17'52" West 439.78 feet; thence leaving said Northerly right of way line North 36°42'45" West 329.35 feet to the North-South center section line of Section 1; thence along said center section line North 00°04'15" East 722.87 feet to the 1/4 corner common to Section 1 and Section 36; thence along the center section line of Section 36 North 00°11'27" East 3508.58 feet to the point of beginning.

SAVING AND EXCEPTING, Beginning at the Southeast corner of the NE 1/4 NE 1/4 of said Section 1; thence on the South line of said NE 1/4 NE 1/4 North 89°17'37" West 617.88 feet; thence leaving said South line North 27°18'39" West 235.77 feet; thence North 62°41'21" East 1183.54 feet; thence North 27°18'39" West 1195.51 feet; thence North 62°41'21" East 605.39 feet; thence South 27°18'39" East 1811.20 feet to the South line of the NW 1/4 NW 1/4 of said Section 6; thence South 89°28'21" West 199.91 feet on said South line, to the point of beginning.

AND FURTHER EXCEPTING Tract 1416-The Woodlands, Phase 1 and Tract 1437-The Woodlands, Phase 2, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

ALSO FURTHER EXCEPTING Lot 3 of Tract 1508 the Gardens Phase 1.

Tax Parcel Number: R420299 and R420315 and R492292 and R894846 and R894847 and R894848 and R894849 and R894851 and R894852 and R894853 and R894854