

2009-014117

Klamath County, Oregon



11/02/2009 11:40:04 AM

Fee: \$47.00

# RECORDING COVER SHEET

PER ORS 205.234

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING ANY ERRORS IN THIS COVER SHEET DOES NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

## AFTER RECORDING RETURN TO:

Name and address of the person authorized to receive the instrument after recording, as required by ORS 205.180(4) and ORS 205.238.

Patrick J. Kelly, Attorney

717 NW 5th Street, Grants Pass, OR 97526

- NAMES OF THE TRANSACTION(S)**, described in the attached instrument and required by ORS 205.234(A)  
NOTE: Transaction as defined by ORS 205.010 means any action required or permitted by state law or rule federal law or regulation to be recorded including, but not limited to, any transfer

Affidavit of Publication

- Grantor(s) as described in ORS 205.160.

Ore-Cal Land Development, LLC

- Grantees(s) as described in ORS 205.160.

Rogue River Mortgage, LLC

- TRUE AND ACTUAL CONSIDERATION PAID for instruments conveying or contracting to convey fee title to any estate and all memoranda of such instruments, reference CRS 93.030.

\$2,040,353.47

- UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS: for instruments conveying or contracting to convey fee title to any real estate reference CRS 93.260.

Rogue River Mtg.-PO Box 706, Grants Pass, OR 97528

# Affidavit of Publication

## STATE OF OREGON, COUNTY OF KLAMATH

I, Jeanine P. Day, Business Manager, being first duly sworn, depose and say that I am the principal clerk of the publisher of the Herald and News a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at Klamath Falls in the aforesaid county and state; that I know from my personal knowledge that the

Legal # 11533

Notice of Sale/Ore-Cal Land Dev., LLC

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: ( 4 )

Four

Insertion(s) in the following issues:

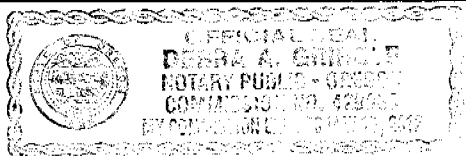
August 21, 28, September 4, 11, 2009

Total Cost: \$1,456.82

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: September 11, 2009

*Debra A. Gubiele*  
Notary Public of Oregon

My commission expires May 15, 2012



### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Ore-Cal Land Development, LLC, 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, as instrument No. 2007-016509\* "As modified and/or amended by that certain Modification Agreement between said Grantor and said Beneficiary dated September 4, 2008 and recorded in the official records of Klamath County, Oregon, on September 15, 2008 as Doc. #2008-012847.

#### 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 north-westerly 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, R787777 and R787786

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made in 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 of \$200.00, plus late charges in the total amount of \$14,160.00, plus \$15,500.00 paid to City of Klamath Falls with interest thereon at 12.5% per annum from April 7, 2009 until paid, plus \$793.77 paid to Klamath County Tax Collector with interest thereon at 12.5% from April 23, 2009 until paid.

By reason of the default just described, 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 principal balance in the amount of \$1,700,000.00 with interest thereon at 12.5% per annum from September 19, 2008 until paid, plus late charges in the total amount of \$17,708.35, plus \$15,500.00 paid to City of Klamath Falls with interest thereon at 12.5% per annum from April 7, 2009 until paid, plus \$793.77 paid to Klamath County Tax Collector with interest at 12.5% from April 23, 2009 until paid.

AFFIDAVIT OF PUBLICATION CONTINUED:

ROGUE RIVER MTG/ORE-CAL LAND DEVELOPMENT

WHEREFORE, notice is hereby given that the undersigned trustee will on October 27, 2009, at the hour of 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at Klamath County Courthouse, 305 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the real property described above which the grantor had or had power to convey at the time of the execution by grantor of the trust deed together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of the sale, including a reasonable charge by the trustee.

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 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 those 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 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 June 25, 2009.

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

State of Oregon, County of Josephine)ss.

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Patrick J. Kelly, Attorney for Trustee  
#11533 August 21, 28, September 4, 11, 2009.