

2009-014116

Klamath County, Oregon



00074840200900141160070079

11/02/2009 11:39:57 AM

Fee: \$67.00

**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

2009-014122

Klamath County, Oregon



00074848200900141220100108

11/02/2009 12:01:51 PM

Fee: \$82.00

**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

~~RECORDED~~  
RE-RECORDED TO  
INCLUDE PROFF+SERVING  
2009 - 014116

- 1. **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 Mailing

- 2. Grantor(s) as described in ORS 205.160.

Ore-Cal Land Development, LLC

- 3. Grantees(s) as described in ORS 205.160.

Rogue River Mortgage, LLC

- 4. 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

- 5. 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

# RECORDING COVER SHEET

PER ORS 205.234

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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

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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 Non-Occupancy

- 2 Grantor(s) as described in ORS 205.160.

Ore-Cal Land Development, LLC

3. Grantees(s) as described in ORS 205.160.

Rogue River Mortgage, LLC

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

NE

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF OREGON, County of Josephine, ss:

I, Sharon Deardorff, being first duly sworn, depose, and say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

- | NAME                                   | ADDRESS   |
|--|---|
| Ore-Cal Land Development LLC -----     | 32159 Transformer Road, Malin, OR 97632         |
| Jim Hogue, Registered Agent            |   |
| Ore-Cal Land Development LLC -----     | PO Box 7, Malin, OR 97632                       |
| Jim Hogue, Registered Agent            |   |
| Ore-Cal Land Development LLC -----     | 645 Wildland Drive, Klamath Falls, OR 97601     |
| Adkins Consulting Engineers Inc. ----- | 2950 Shasta Way, Klamath Falls, OR 97603        |
| Adkins Consulting Engineers Inc. ----- | 514 Walnut Avenue, Klamath Falls, OR 97601      |
| William Ganong, Registered Agent       |   |
| United Pipe & Supply Co., Inc. -----   | 7600 SE Johnson Creek Blvd., Portland, OR 97206 |
| Edward Kolasinski, Registered Agent    |   |

**SEE EXHIBIT 'A'**

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.\*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Patrick J. Kelly, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Grants Pass, Oregon, on July 2, 2009 ~~xxxx~~. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

*Sharon Deardorff*  
SHARON DEARDORFF

Subscribed and sworn to before me on Oct 30, 2009

*Hope Janber*  
Notary Public for Oregon. My commission expires 6-28-2013



**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

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RE: Trust Deed from  
Ore-Cal Land Development LLC

Grantor

---

TO

Pacific Trust Deed Servicing Co.

Trustee

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AFTER RECORDING RETURN TO  
**PATRICK J. KELLY**  
ATTORNEY AT LAW  
717 N.W. 5th STREET  
GRANTS PASS, OR 97526

(DON'T USE THIS SPACE: RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

STATE OF OREGON, } ss.  
County of \_\_\_\_\_ }

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

---

NAME \_\_\_\_\_ TITLE \_\_\_\_\_  
By \_\_\_\_\_ Deputy

\* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date. PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE CONTINUED**

**ROGUE RIVER MTG/ORE-CAL LAND DEVELOPMENT LLC**

United Pipe & Supply Company, Inc. ----- 7600 SE Johnson Creek Blvd., Portland, OR 97206

Mitchell Law Office, LLC ----- PO Box 14247, Portland, OR 97293  
Attorney for United Pipe & Supply Co., Inc.

Bowers Fencing and Swimming Pools, Inc. --- 1818 Derby Street, Klamath Falls, OR 97603  
Gerald R. Bowers, aka Jerry R. Bowers, Registered Agent

Bowers Fencing and Swimming Pools, Inc. ---- 1818 Derby Street, Klamath Falls, OR 97603

Unofficial Copy

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



TRUSTEE'S NOTICE OF SALE

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

to Pacific Trust Deed Servicing Company, Inc., an Oregon Corporation, as grantor,
in favor of Rogue River Mortgage, LLC, as trustee,
dated September 10, 2007, recorded on September 19, 2007, in the Records of
Klamath County, Oregon, in  book  tract  volume No. XXXXXXXXXXXX at page XXXXXXXXXXXX
or as  deed  file  instrument  microfilm  reception No. 2007-016509\* (indicate which), covering the following
described real property situated in that county and state, to-wit:

SEE EXHIBIT "A"

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.

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 rein-
stated 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 per-
formance 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 5th Street
ADDRESS

Grants Pass, OR 97526 (541) 474-1908
CITY STATE ZIP PHONE

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

SERVE:\* \_\_\_\_\_

\*If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in the name and address of party to be served.

## 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, R787777 and R787786

**\*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.**

**NOTICE:**  
**YOU ARE IN DANGER OF LOSING YOUR PROPERTY**  
**IF YOU DO NOT TAKE ACTION IMMEDIATELY**

**This notice is about your mortgage loan on your property at:**

Street address: Lots 1 through 49 in Tract 1487-Link River Estates Subdivision

City: Klamath Falls State: OR ZIP: 97601

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called 'foreclosure.'

The amount you would have had to pay as of 06 / 19 / 2009 to bring your mortgage current was \$ 177,283.50  
Month Day Year  
Dollar Amount

The amount you must now pay to bring your loan current may have increased since that date. By law, your lender has to provide you with details about the amount you owe, if you ask. You may call 541 - 474-1908 to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe.

You may also get these details by sending a request by certified mail to: Patrick Kelly, Attorney  
717 NW 5th Street  
Grants Pass, OR 97526

**THIS IS WHEN AND WHERE YOUR PROPERTY** 10 / 27 / 2009 at 1:00 pm  
**WILL BE SOLD IF YOU DO NOT TAKE ACTION:** Month Day Year **Time**  
305 Main St., Klamath Falls, OR  
Place Klamath County Courthouse

**THIS IS WHAT YOU CAN DO TO STOP THE SALE:**

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call Patrick J. Kelly at 541 - 474 - 1908 to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and phone number of an organization near you, please call the statewide phone contact number at **800-SAFENET (800-723-3638)**. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at **503-684-3763** or toll-free in Oregon at **800-452-7636** or you may visit its Web site at: [www.osbar.org](http://www.osbar.org). Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

**WARNING:** You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have questions, talk to a lawyer or one of the organizations mentioned above before signing.

Trustee name (print): Patrick Kelly Trustee phone number: 541 -474 -1908

Trustee signature:  Date: 6 / 25 / 2009

NOTICE REQUIRED BY THE FAIR DEBT COLLECTION PRACTICES  
ACT  
15 USC SECTION 1692

We are attempting to collect a debt and any information we obtain will be used for that purpose. The debt described in the Notice of Sale is assumed to be valid unless debtor disputes within 30 days and that, if disputed, debt collector will obtain and furnish to debtor the verification. If written request is made within 30 days by debtor, name of original lender will be given if different than the current creditor.

WRITTEN REQUESTS SHOULD BE ADDRESSED TO: PATRICK J.  
KELLY, ATTORNEY, 717 NW 5<sup>TH</sup> STREET, GRANTS PASS, OREGON  
97526.

Unofficial Copy

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



**TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY**

STATE OF OREGON, } ss.  
County of \_\_\_\_\_

RE: Trust Deed from  
Ore-Cal Land Development, LLC

I certify that the within instrument was received for recording on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ and/or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Records of this County.

SPACE RESERVED FOR RECORDER'S USE

Witness my hand and seal of County affixed.

To Grantor  
Pacific Trust Deed Servicing Co.  
Trustee

NAME TITLE

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

By \_\_\_\_\_, Deputy.

STATE OF OREGON, } ss.  
County of Josephine

I, Patrick J. Kelly

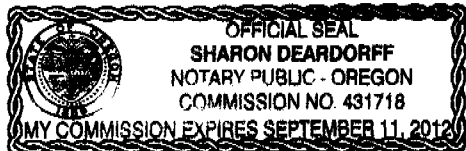
being first duly sworn, depose, say and certify that:

I am the Successor trustee in that certain trust deed executed and delivered 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, in ~~book~~ ~~reel~~ ~~volume~~ No. \_\_\_\_\_, page \_\_\_\_\_ and/or as ~~fee~~ ~~file~~  instrument ~~microfilm~~ ~~reception~~ No. 2007-016509\* (indicate which), covering the following described real property situated in the above-mentioned county and state, to-wit:

SEE EXHIBIT "A"

I hereby certify that on July 5, 2009, the above described real property was not occupied. The word "trustee," as used in this affidavit means any successor trustee to the trustee named in the trust deed described above.

Patrick J. Kelly  
PATRICK J. KELLY Trustee



SIGNED AND SWORN TO before me on October 30, 2009  
Sharon Deardorff  
Notary Public for Oregon  
My commission expires 9-11-2012

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