

2009-015826

Klamath County, Oregon

AFTER RECORDING RETURN TO:
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70012 0008



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**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 December 17, 2009, in the Circuit Court for Klamath County, State of Oregon, as Case No. 0905165CV.

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; NORTHWEST CAPITAL – 06, LLC, an Oregon limited liability company; SOUTHVIEW WATER SERVICES, L.L.C., an Oregon limited liability company; ROBERT J. SULLIVAN, P.C., an Oregon professional corporation.
2. The object of the action is: Fraudulent conveyance of real property.
3. The description of the real property to be affected is: See attached Exhibit A.

Dated this 17th day of December, 2009.

BRANDSNESS, BRANDSNESS & RUDD, P.C.

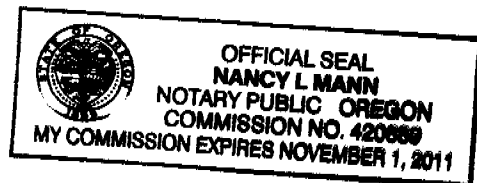
A handwritten signature in black ink, appearing to read 'Andrew C. Brandsness', written over a horizontal line.

Andrew C. Brandsness, OSB No. 831597
Co-counsel of Attorneys for Plaintiff
Tarlow Naito & Summers, LLP

Name: Andrew C. Brandsness, Esq.
Firm Name: Brandsness, Brandsness & Rudd, P.C.
Address: 411 Pine Street
Klamath Falls, OR 97601
Phone: (503) 968-9000

STATE OF OREGON)
) ss.
County of Klamath)

The foregoing instrument was acknowledged before me this 17th day of December, 2009, by Andrew C. Brandsness, of attorneys for plaintiff, Columbia Community Bank Corporation, an Oregon corporation.



Nancy L. Mann
Notary Public for Oregon

EXHIBIT A

Description for Parcel II

A parcel of land situated in the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, the NE $\frac{1}{4}$ of Section 1 Township 39 South, Range 8 East of the Willamette Meridian, the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 31, Township 38 South, Range 9 East of the Willamette Meridian, and the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ 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:

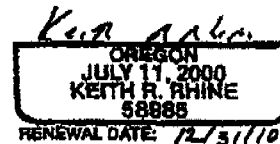
Beginning at the NW corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 36, thence along the north line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the north line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6 South 89°58'12" East 2652.25 feet to the NE corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence along the north line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 31 South 89°39'40" East 1348.47 feet to the NE corner thereof; thence along the east line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ South 00°45'44" East 1327.60 feet to the SE corner thereof; thence along the east line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31 South 00°48'19" East 2624.31 feet to the SE corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the north line of Section 6; thence along said north line North 89°45'19" East 1316.21 feet to the 1/4 Corner of said Section 6; thence continuing along said north line North 89°45'44" East 2632.28 feet to the northeast corner of said Section 6; thence along the east line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6 South 00°12'57" West 1296.07 feet to the SE corner thereof; thence along the south line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the south line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6 South 89°26'19" West 2641.44 feet to the SW corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$; thence along the south line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and a portion of the south line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 6 South 89°28'21" West 2510.82 feet; thence leaving said south line North 27°18'39" West 1811.20 feet; thence North 62°41'21" East 250.36 feet; thence North 27°18'39" West 3530.91 feet; thence North 89°58'12" West 619.61 feet to the west line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36; thence North 00°11'27" East 427.59 feet to the point of beginning, containing 409.65 acres, more or less, with bearings based on County Survey 6513

LEGAL DESCRIPTION OF: TANK SITE

A parcel of land situated in the SW1/4 of the NE1/4 of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon; being more particularly described as follow:

Beginning at the C-N1/16 of said Section 36, thence, along the North line of the SW1/4 of the NW1/4, South 89°04'55" East, 834.82 feet; thence leaving said North line, South 00°55'05" West, 800.00 feet; thence North 88°55'16" West, 837.06 feet; to the North-South center of section line of said Section 36; thence along said North-South centerline, North 01°04'44" East, 797.65 feet to the point of beginning. Basis of Bearings is Grid North of the Oregon State Plane Coordinate System of 1983, South Zone.

Containing 15.33 acres



Description for Parcel IV
Geary County Parcel

A parcel of land situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1 Township 39 South, Range 8 East of the Willamette Meridian and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 39 South Range 9 East of the Willamette Meridian, Klamath County, Oregon and being more particularly described as follows:

Beginning at the northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6; thence along the north line thereof North 89°28'21" East 1385.86 feet to the northeast corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 00°58'49" West 1331.44 feet to the southeast corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 89°45'54" West 1356.41 feet to the southwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence along the east line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1 South 00°16'58" East 10.53 feet to the northerly right of way line of State Highway 140; thence along said northerly line on the arc of a spiral curve to the left, the chord of which bears North 55°30'17" West 249.57 feet; thence North 00°53'17" West 1195.30 feet to the north line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1; thence along said north line South 89°29'44" West 217.54 feet to the point of beginning, containing 47.91 acres, more or less, with bearings based on County Survey 6513.