

After recording return to:
Southview Properties, LLC
22101 NE 150th Avenue
Battleground, WA 98604

2010-005944
Klamath County, Oregon



05/14/2010 02:37:11 PM

Fee: \$42.00

1st courtesy

NOTICE OF PENDENCY OF AN ACTION

Pursuant to ORS 93.740, the undersigned states:

1. As defendant, Southview Properties, LLC has filed certain counterclaims in an action in the Circuit Court for Klamath County, State of Oregon (Case No. 0900545CV) and as Appellant, Southview Properties, LLC has filed an appeal of a judgment for foreclosure of certain real property in the Court of Appeals, State of Oregon.
2. The plaintiff in the action and Respondent in the appeal is Columbia Community Bank.
3. The object of the counterclaims are:
 - a. Breach of Contract;
 - b. Frustration of Purpose;
 - c. Negligent Misrepresentation; and
 - d. Tortuous interference with Business Relationships.

The object of the appeal is:

- e. Error in the grant of Summary Judgment.
4. The description of the real property to be affected is:
 - a. TRACT 1437 – The Woodlands – Phase 2 - Lot 63, Klamath County, Oregon;
 - b. TRACT 1437 – The Woodlands – Phase 2 - Lot 71, Klamath County, Oregon;
 - c. TRACT 1437 – The Woodlands – Phase 2 - Lot 77, Klamath County, Oregon;
 - d. TRACT 1437 – The Woodlands – Phase 2 - Lot 96, Klamath County, Oregon;
 - e. TRACT 1437 – The Woodlands – Phase 2 - Lot 101, Klamath County, Oregon;
 - f. TRACT 1461 – The Woodlands – Phase 3 – Lots 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147 and 148, Klamath County, Oregon;
 - g. TRACT 1508 – The Gardens – Phase 1 - Lots 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17 and 18, Klamath County, Oregon; and
 - h. A parcel of land situated in the NE¹/₄ and SE¹/₄ of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, the NE¹/₄ of Section 1 Township 39 South, Range 8 East of the Willamette Meridian, and the NW¹/₄ NW¹/₄ 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 SW¹/₄ NE¹/₄ 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 NW¹/₄ NW¹/₄ 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 NE¹/₄ NE¹/₄ of Section 1 North 89°29'44" West 1330.62 feet to the SW corner of said NE¹/₄ NE¹/₄; thence along the west line of the SE¹/₄ NE¹/₄ 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 NW¹/₄ NE¹/₄ 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

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North 00°11'27" East 3508.58 feet to the point of beginning, containing 195.46 acres, more or less, with bearings based on County Survey 6513, excepting from such parcel the following described real property:

1. TRACT 1416 – The Woodlands – Phase 1 – Lots 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58 and 59, Klamath County, Oregon;
2. TRACT 1437 – The Woodlands – Phase 2 – Lots 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110 and 111, Klamath County, Oregon; and
3. A parcel of land commonly referred to as the Southview Recreation District, situated in the SE¼ SE¼ Section 36, Township 38 South, Range 8 East, the NE¼ NE¼ Section 1, Township 39 South, Range 8 East and the NW¼ NW¼ Section 6, Township 39 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the southeast corner of the NE¼ NE¼ of said Section 1; thence on the south line of said NE¼ NE¼ North 89°29'44" West 616.73 feet; thence leaving said south line North 27°18'39" West 237.83 feet; thence North 62°41'21" East 118.54 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 NW¼ NW¼ of said Section 6; thence South 89°28'21" West 199.91 feet on said south line, to the point of beginning, containing 23.72 acres, with bearings based on C.S. 6513.

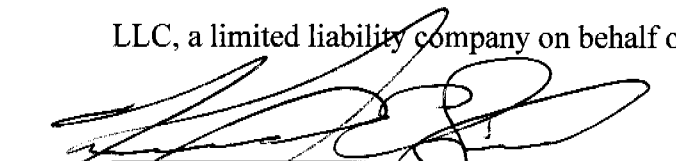
Dated this 11th day of May, 2010.


Southview Properties, LLC

Name: Gregory P. Bessert, Manager
Address: 22101 NE 150th Ave, Battleground, WA 98604
Phone No.: 360-608-1855

State of Washington)
County of Clark) ss.

The foregoing instrument was acknowledged before me this 11th day of May, 2010 by Gregory P. Bessert, Manager of Southview Properties, LLC, a limited liability company on behalf of the limited liability company.


Notary Public for Clark County
My commission expires July 15th 2011

