

2010-006139

Klamath County, Oregon



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MCGUIREWOODS LLP
1800 Century Park East, 8th Floor
Los Angeles, CA 90067

WHEN RECORDED RETURN TO:
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Attn: AMANDA MARTINEZ 2250AM/DC

THE AREA ABOVE IS RESERVED FOR RECORDERS USE

1st Courtesy

NOTICE OF PENDENCY OF ACTION

Grantor:

McMahan's Furniture

Grantee: Bank of America

1 MCGUIREWOODS LLP
2 WILLIAM H. KIEKHOFFER #94022
3 WKiekhofer@mcguirewoods.com
4 SUSAN L. GERMAISE #176595
5 SGermaise@mcguirewoods.com
6 1800 Century Park East, 8th Floor
7 Los Angeles, California 90067
8 Telephone: (310) 315-8200
9 Facsimile: (310) 315-8210

10 Attorneys for Bank of America, N.A.

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 BANK OF AMERICA, N.A.

14 Plaintiff,

15 vs.

16 G&S CO., a California general
17 partnership a/k/a G & S Co., a
18 California general partnership;
19 MCMAHAN'S FURNITURE CO. –
20 PACOIMA, a California general
21 partnership a/k/a McMahan's Furniture
22 Co. of Pacoima, a California general
23 partnership; PACOIMA LAND
24 COMPANY, LLC, a California limited
25 liability company; MCMAHANS OF
26 GLENDALE, INC., a California
27 corporation a/k/a McMahan's of
28 Glendale Inc., a California corporation
a/k/a McMahan's of Glendale, a
California corporation d/b/a McMahan's
of Glendale, Inc.; MCMAHAN'S OF
SAN FERNANDO, a California
corporation a/k/a McMahan's of San
Fernando, a California corporation d/b/a
McMahan's of San Fernando, Inc.,

Defendants

CASE NO.: CV10-01901-GW (JEMx)

**NOTICE OF PENDENCY OF
ACTION**

PLEASE TAKE NOTICE that the above-captioned action filed by Plaintiff
Bank of America, N.A. ("Plaintiff") against the above-captioned Defendants affects

1 title to the real property hereinafter described in that Plaintiff seeks to foreclose for
2 that certain real property located at 6320 South 6th Street, Klamath Falls, Oregon
3 97603 more particularly described as:

4 Tax Parcel Number: R508105.

5 Parcel 1:

6 A tract of land described as follows: Beginning at an iron pin
7 which marks the Northeast: comer of Tract 63 of Roland Park and
8 which iron pin lies North 0°51' West along the 40 line a distance of
9 542.3 feet and North 89°09' East a distance of 287.2 feet from the iron
10 axle which marks the Southwest corner of the NE 1/4 SW 1/4 of
11 Section 1, Township 39 South, Range 9 East of the Willamette
12 Meridian, and running thence North 45°09' East a distance 299.6 feet to
13 an iron pin which lies on the Southwesterly right of way line of the
14 State Highway, 10 feet at right angles from the brass plug In the center
15 line of the highway; thence In a Northwesterly direction following
16 3°11' curve to the left along the Southwesterly right of way line of the
17 State Highway a distance of 150 feet (the long chord of this curve bears
18 North 48°32' West a distance of 149.96 feet) to an iron pin; thence
19 South 45° 09' West a distance of 221.6 feet to an Iron pin; thence South
20 20°18' East a distance of 164.5 feet, more or less, to the point of
21 beginning, said tract being a portion of the NE 1/4 SW 1/4 of Sec. 1,
22 Twp. 39 S., R. 9 E.W.M., and

23 Beginning at an iron pin which marks the Southeast comer of
24 Tract 63, Roland Park, and which Iron pin lies North 0° 51' West along
25 the 40 line a distance of 462.3 feet and North 89°09' East a distance of
26 262.2 feet from the iron axle which marks the Southwest corner of the
27 NE 1/4 SW 1/4 of Section 1, Township 39 South, Range 9 East of the
28 Willamette Meridian, and running thence North 16°33' East along the
Easterly line of above mentioned Tract 63, a distance of 83.8 feet to an
iron pin; thence North 45°09' East a distance of 299.6 feet to an iron
pin on the Southerly right of way line of the Klamath Falls-Lakeview
Highway; thence following the Southerly right of way line of the
highway the following bearings and distances; South 46°09' East a
distance of 13.5 feet to an iron pin; thence North 43°51' East a distance
of 10 feet to an iron pin; and South 46°09' East a distance of 216.5 feet
to an iron pin; thence South 43°51' West a distance of 384 feet to an
iron pin; thence North 46° 09' West a distance of 198.4 feet more or
less to the point of beginning, said tract in the NE 1/4 SW 1/4 of
Section 1, Township 39 South, Range 9 East of the Willamette

Meridian.

EXCEPTING THEREFROM, that tract: conveyed to the State of Oregon in Deed recorded January 11, 1972 In Volume M-72 on page 342, Deed records of Klamath County, Oregon.

Parcel 2:

A tract of land situated in the NE 1/4 SW 1/4 of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:


Beginning at a point situated N. 00°51' W 462.3 feet, N. 89°06' E. 262.2 feet, and S. 46°09' E. 198.4 feet from the Southwest corner of the said NE 1/4 SW 1/4 of Section 1; thence continuing S. 46°09' E. 106.00 feet; thence N. 43°51' E. 150.00 feet; thence N. 46°09' W. 106.00 feet; thence S. 43°51' W. 150.00 feet to the point of beginning, containing 0.37 acres, with bearings based on recorded Survey No. 625, as recorded In the Office of the Klamath County Surveyor.

This action is for breach of contract and foreclosure of real property.

DATED: May 14, 2010

MCGUIREWOODS LLP

By:



Susan L. Germaise

Attorneys for Bank of America, N.A.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On May 14, 2010 before me, Chelise E. Lewis, Notary Public

personally appeared Susan Lynn Germaise



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature]

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Notice of Pendency of Action

Document Date: May 14, 2010

Number of Pages: 3

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the County of Los Angeles, State of California. I am over the age of
4 eighteen years and not a party to the within action; my business address is 1800 Century Park
East, 8th Floor, Los Angeles, California 90067.


5 On May 14, 2010, I served the following document(s) described as **NOTICE OF**
6 **PENDENCY OF ACTION** on the interested parties in this action by placing true copies thereof
enclosed in sealed envelopes addressed as follows:

7 **SEE ATTACHED LIST**

- 8 ☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing
9 correspondence for mailing with the United States Postal Service. Under that practice, it
10 would be deposited with the United States Postal Service that same day in the ordinary
11 course of business. Such envelope(s) were placed for collection and mailing with postage
thereon fully prepaid at Los Angeles, California, on that same day following ordinary
business practices. (C.C.P. § 1013 (a) and 1013a(3))
- 12 ☐ **BY FACSIMILE:** At approximately _____, I caused said document(s) to be transmitted
13 by facsimile pursuant to Rule 2008 of the California Rules of Court. The telephone
14 number of the sending facsimile machine was (310) 315-8210. The name(s) and facsimile
15 machine telephone number(s) of the person(s) served are set forth in the service list. The
document was transmitted by facsimile transmission, and the sending facsimile machine
properly issued a transmission report confirming that the transmission was complete and
without error.
- 16 ☐ **BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or other facility
17 regularly maintained by the overnight service carrier, or delivered such document(s) to a
18 courier or driver authorized by the overnight service carrier to receive documents, in an
envelope or package designated by the overnight service carrier with delivery fees paid or
provided for, addressed to the person(s) served hereunder. (C.C.P. § 1013(d)(e))
- 19 ☐ **BY HAND DELIVERY:** I delivered such envelope(s) by hand to the office of the
addressee(s). (C.C.P. § 1011(a)(b))
- 20 ☐ **BY PERSONAL SERVICE:** I personally delivered such envelope(s) to the addressee(s).
(C.C.P. § 1011)

21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true.

23 Executed on May 14, 2010, at Los Angeles, California.

24 
25 Cheryl Smith
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SERVICE LIST

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MCMAHANS OF SAN FERNANDO
2237 Colby Avenue
Los Angeles, Ca 90064

MCMAHANS OF SAN FERNANDO
c/o Keith Oki
2237 Colby Avenue
Los Angeles, CA 90064

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12

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the County of Los Angeles, State of California. I am over the age of
4 eighteen years and not a party to the within action; my business address is 1800 Century Park
East, 8th Floor, Los Angeles, California 90067.

5 On May 17, 2010, I served the following document(s) described as **NOTICE OF**
6 **PENDENCY OF ACTION** on the interested parties in this action by placing true copies thereof
enclosed in sealed envelopes addressed as follows:

7 **SEE ATTACHED LIST**

8 ☒ **BY CERTIFIED MAIL RETURN RECEIPT REQUESTED:** I am "readily familiar"
9 with the firm's practice of collection and processing correspondence for mailing with the
10 United States Postal Service. Under that practice, it would be deposited with the United
11 States Postal Service that same day in the ordinary course of business. Such envelope(s)
were placed for collection and mailing with postage thereon fully prepaid at Los Angeles,
California, on that same day following ordinary business practices. (C.C.P. § 1013 (a) and
1013a(3))

12 ☐ **BY FACSIMILE:** At approximately _____, I caused said document(s) to be transmitted
13 by facsimile pursuant to Rule 2008 of the California Rules of Court. The telephone
14 number of the sending facsimile machine was (310) 315-8210. The name(s) and facsimile
15 machine telephone number(s) of the person(s) served are set forth in the service list. The
document was transmitted by facsimile transmission, and the sending facsimile machine
properly issued a transmission report confirming that the transmission was complete and
without error.

16 ☐ **BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or other facility
17 regularly maintained by the overnight service carrier, or delivered such document(s) to a
18 courier or driver authorized by the overnight service carrier to receive documents, in an
envelope or package designated by the overnight service carrier with delivery fees paid or
provided for, addressed to the person(s) served hereunder. (C.C.P. § 1013(d)(e))

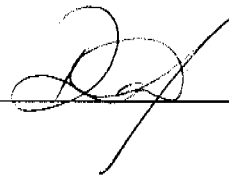
19 ☐ **BY HAND DELIVERY:** I delivered such envelope(s) by hand to the office of the
20 addressee(s). (C.C.P. § 1011(a)(b))

21 ☐ **BY PERSONAL SERVICE:** I personally delivered such envelope(s) to the addressee(s).
(C.C.P. § 1011)

22 I declare under penalty of perjury under the laws of the United States of America that the
23 foregoing is true.

24 Executed on May 17, 2010, at Los Angeles, California.

25
26 Dana Chan



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28 8 of 10

SERVICE LIST

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3 G&S Co., a California general partnership
4 c/o Frandzel, Robins, Bloom & Csato, L.C.
5 6500 Wilshire Boulevard, 17th Floor
6 Los Angeles, CA 90048
7 Attention: Brenda Ruttenberg
8
9 MCMAHAN'S FURNITURE CO. -Pacoima, a California general partnership
10 c/o Sandra G. Kanengiser, Esq.
11 Irell & Manella LLP
12 1800 Avenue of the Stars, Suite 900
13 Los Angeles, CA 90067
14
15 PACOIMA LAND PARTNERSHIP, a California general partnership
16 c/o Sandra G. Kanengiser, Esq.
17 Irell & Manella LLP
18 1800 Avenue of the Stars, Suite 900
19 Los Angeles, CA 90067
20
21 PACOIMA LAND COMPANY, LLC
22 2237 Colby Avenue
23 Los Angeles, CA 90064
24
25 PACOIMA LAND COMPANY, LLC
26 Attn: Julian A. Ganz, Jr., Manager
27 2237 Colby Avenue
28 Los Angeles, CA 90064

16 MCMAHAN'S FURNITURE CO. -PACOIMA, A GENERAL PARTNERSHIP
17 c/o Irell & Manella, LLP
18 1800 Avenue of the Stars, Suite 900
19 Los Angeles, California 90067
20 Attention: Sandra G. Kanengiser, Esq.

19 MCMAHAN'S FURNITURE CO. -PACOIMA, a California general partnership
20 1570 Charles Drive
21 Redding, California 96003-1459

21 PACOIMA LAND COMPANY, LLC, a California limited liability company
22 2237 Colby Avenue
23 Los Angeles, CA 90064

23 MCMAHANS OF GLENDALE, a California corporation
24 2237 Colby Avenue
25 Los Angeles, CA 90064
26 Attn: Julian A. Ganz

26 MCMAHAN'S OF GLENDALE
27 Attn: McMahan's General Offices
28 2237 Colby Avenue
Los Angeles, CA 90064

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MCMAHAN'S GENERAL OFFICES
2237 Colby Avenue
Los Angeles, CA 90064

MCMAHAN'S OF GLENDALE
43364 W. 10th Street
Lancaster, CA 93534

MCMAHANS OF GLENDALE, a California corporation
43364 N. 10th Street
Lancaster, CA 93534

MCMAHANS OF GLENDALE, a California corporation
2237 Colby Avenue
Los Angeles, CA 90064

MCMAHANS OF GLENDALE, a California corporation
c/o Frandzel, Robins, Bloom & Csato, L.C.
6500 Wilshire Boulevard, 17th Floor
Los Angeles, CA 90048
Attn: Brenda Ruttenberg

MCMAHANS OF GLENDALE, a California corporation
43364 N. 10th Street West
Lancaster, CA 93534

McMahan's of Glendale Inc.
P.O. Box 641909
Los Angeles, CA 90064

McMahan s of Glendale
2237 Colby Ave.
Los Angeles, CA 90064

Pacoima Land Partnership
2237 Colby Ave.
Los Angeles, CA 90064

McMahan's of San Fernando
P.O. Box 641909
Los Angeles, CA 90064

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