

**FIRST AMERICAN TITLE INSURANCE CO..**  
**Order No. 7029-1639609**

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

**2011-002335**

**Klamath County, Oregon**



00097488201100023350100102

02/18/2011 03:37:21 PM

Fee: \$87.00

AFTER RECORDING, RETURN TO:

Tarlow Naito & Summers, LLP  
150 SW Harrison Street, Suite 200  
Portland, Oregon 97201

Attention: Steven L. Naito/llv

1639609

## Recording Cover Sheet

Name(s) of transaction:

1. Affidavit of Mailing Trustee's Notice of Sale
2. Affidavit of Service/Posting
3. Affidavit of Publication
4. Trustee's Notice of Sale

Name of the parties:

- (a) Original Grantor on Trust Deed: Southview Properties, LLC, an Oregon limited liability company
- (b) Successor Trustee: Steven L. Naito
- (c) Current Beneficiary : Columbia Community Bank

F

AFTER RECORDING RETURN TO:  
Tarlow Naito & Summers, LLP  
Steven L. Naito, Successor Trustee  
150 SW Harrison Street, Suite 200  
Portland, OR 97201  
(70012.0053 llv)

*This space provided for recorder's use.*

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

STATE OF OREGON                     )  
  ) ss.  
County of Multnomah                )

I, the undersigned, being sworn, say:

I am the Successor Trustee ("Trustee") in the Trust Deed described in the attached Trustee's Notice of Sale.

At all times mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen (18) years and not the Beneficiary, or the Beneficiary's successor in interest, named in the Notice of Sale given under the terms of the Trust Deed described in the Notice.

I gave notice of the sale of the real property described in the Notice of Sale by mailing a copy of the Notice by both First Class and Certified Mail, Return Receipt Requested, unless otherwise noted, to the following named person or persons (or legal representatives, where so indicated) at the last known address, to-wit:

NAME

ADDRESS

Southview Properties, LLC

22101 NE 150<sup>th</sup> Avenue  
Battleground, WA 98604

Southview Properties, LLC  
Reg. Agent Robert J. Sullivan

1600 Benj. Franklin Plaza  
Portland, OR 97204

Southern Oregon Credit Service, Inc.

P.O. Box 4070  
Medford, OR 97501

Southern Oregon Credit Service, Inc.  
Reg. Agent: Linda Collins

P.O. Box 4070  
Medford, OR 97501

IRS Advisory Group

915 Second Avenue, M/S W245  
Seattle, WA 98174

The person(s) include(s) (a) Grantor(s) in the Trust Deed, (b) each successor in interest to Grantor(s) whose interest(s) appear(s) of record or of whose interest(s) the Trustee or the Beneficiary has actual notice, (c) each 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) each person requesting notice under ORS 86.740(1)(d) and ORS 86.785.

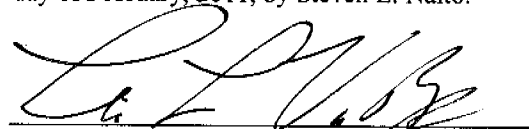
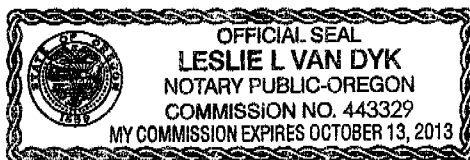
Each Notice mailed was certified to be a true copy of the original Trustee's Notice of Sale by Brent G. Summers, OSB No. 824060, attorney for Trustee named in the Notice. Each such copy was contained in a sealed envelope, with postage fully prepaid, and was deposited by me in the United States post office at Portland, Oregon, on November 3, 2010. 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 the Notices was mailed after the Notice of Default and Election to Sell described in the Trustee's Notice of Sale was recorded.

DATED this 16th day of February, 2011.



Steven L. Naito, OSB No. 803215  
Successor Trustee

SUBSCRIBED AND SWORN to before me this 16th day of February, 2011, by Steven L. Naito.



NOTARY PUBLIC FOR OREGON  
My Commission Expires: October 13, 2013

# **AFFIDAVIT OF SERVICE**

## **Trustee's Notice of Sale**

Case Number: \_\_\_\_\_

Plaintiff:

**Columbia Community Bank**

vs.

Defendant:

**Southview Properties LLC**

For: Steve L. Naito

Tarlow Naito & Summers, LLP

Received by P.I. & Information Services to be served on **All Occupants, Parcel II (see attached map), Klamath Falls, OR.** I, ROBERT W. BOLENBAUGH, being duly sworn, depose and say that on the 15 day of November 2010 at 11:45 a.m., executed service by delivering a true copy of the **Trustee's Notice of Sale** in accordance with state statutes in the manner marked below:

( ) INDIVIDUAL SERVICE: Served the within-named person.

( ) SUBSTITUTE SERVICE: By serving \_\_\_\_\_ as \_\_\_\_\_ who is a person residing therein, is at least 14 years of age, and informing said person of the contents thereof. (No Submailing)

( ) SUBSTITUTE SERVICE & SUBMAILING: By serving \_\_\_\_\_ as \_\_\_\_\_ who is a person residing therein, is at least 14 years of age, and informing said person of the contents thereof. Also I mailed a true copy of the documents and a copy of this Affidavit of Service to the above party to the above address by first class mail on \_\_\_\_/\_\_\_\_/2010.

☒ POSTED SERVICE: I Posted a true copy to a conspicuous place on the property described herein.

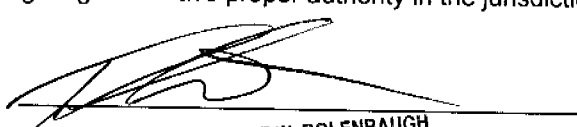
( ) MAILING I mailed a true copy of the documents and a copy of this Affidavit of Service to the above party to the above address by first class mail on \_\_\_\_/\_\_\_\_/2010.

### **COMMENTS:**

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the \_\_\_\_\_ day of 22<sup>nd</sup> November, 2010 by the affiant who is personally known to me.

  
NOTARY PUBLIC

  
ROBERT W. BOLENBAUGH  
PROCESS SERVER # \_\_\_\_\_  
Appointed in accordance with State Statutes

**P.I. & Information Services  
P.O. Box 157  
Beaverton, OR 97075-0157  
(503) 643-4274**

Our Job Serial Number: 2010001085

# 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 # 13001

Trustee's Notice of Sale

Southview Properties, 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:

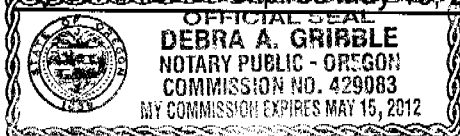
January 07, 14, 21, 28, 2011

Total Cost: \$2,989.88

Subscribed and sworn by Jeanine P Day  
before me on: January 28, 2011

*Debra A Grubbe*  
Notary Public of Oregon

My commission expires May 15, 2012



### TRUSTEE'S NOTICE OF SALE

The Successor Trustee, under the Trust Deed in this notice, at the direction of the Beneficiary, elects to sell the property described in the Trust Deed to satisfy the obligation secured by the Trust Deed. Pursuant to ORS 86.745, the following information is provided:

- 1. PARTIES: Southview Properties, LLC, an Oregon Limited Liability Company
- 2. TRUSTEE: First American Title Insurance Company of Oregon
- 3. SUCCESSOR TRUSTEE'S NAME AND ADDRESS: Steven L. Naito, OSB No. 803215, Tarlow Naito & Summers, LLP, 1501 W. Harrison Street, Suite 200, Portland, OR 97201
- 4. BENEFICIARY: Columbia Community Bank

### 2. DESCRIPTION OF PROPERTY COVERED BY THE TRUST DEED:

Real property in the County of Klamath, State of Oregon, described as follows:  
• TOWNSHIP 38 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN  
SECTION 36: THE SOUTHEAST QUARTER OF NORTHEAST QUARTER AND ALL OF SOUTHEAST QUARTER, ALSO THE SOUTHWEST QUARTER OF NORTHEAST QUARTER  
• TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN  
SECTION 31: THE SOUTHWEST QUARTER OF NORTHEAST QUARTER AND WEST HALF OF SOUTHWEST QUARTER  
• TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN  
SECTION 16: THE NORTH HALF OF NORTH HALF AND (THE SOUTHWEST QUARTER OF THE NORTH HALF OF THE NORTH HALF OF THE WILLAMETTE MERIDIAN  
SECTION 1: A PORTION OF THE NORTH HALF OF THE NORTH EAST QUARTER OF THE SECTION DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SECTION; THENCE WEST ALONG THE NORTH BOUNDARY OF THE SECTION TO THE CENTER LINE OF SAID SECTION; THENCE SOUTH TO THE INTERSECTION OF THE NORTH-SOUTH CENTER LINE OF THE SECTION WITH THE NORTHERLY BOUNDARY OF STATE HIGHWAY 140; THENCE FOLLOWING THE NORTHERLY BOUNDARY OF HIGHWAY 140 SOUTHEASTERLY TO ITS INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTH HALF OF NORTHEAST QUARTER OF SAID SECTION 1; THENCE EAST ON THE SOUTH BOUNDARY OF THE NORTH HALF OF NORTHEAST QUARTER OF SAID SECTION 1 TO ITS INTERSECTION WITH THE EAST BOUNDARY OF SECTION 1; THENCE NORTH TO THE POINT OF BEGINNING.  
• SECTION 1: ALSO THE EASTERLY 40 FEET OF THE SOUTHWEST QUARTER OF NORTHEAST QUARTER THAT LIES NORTHERLY OF HIGHWAY 140  
• SECTION 1: ALSO A PORTION OF THE SOUTHWEST QUARTER OF NORTHEAST QUARTER, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 5/8 INCH IRON PIN ON THE NORTH LINE OF SAID SOUTHWEST QUARTER.

## TRUSTEE'S NOTICE OF SALE

The Successor Trustee, under the Trust Deed in this notice, at the direction of the Beneficiary, elects to sell the property described in the Trust Deed to satisfy the obligation secured by the Trust Deed. Pursuant to ORS 86.745, the following information is provided:

### 1. **PARTIES:**

GRANTOR:	Southview Properties, LLC, an Oregon Limited Liability Company
TRUSTEE:	First American Title Insurance Company of Oregon
SUCCESSOR TRUSTEE'S NAME AND ADDRESS:	Steven L. Naito, OSB No. 803215 Tarlow Naito & Summers, LLP 150 SW Harrison Street, Suite 200 Portland, OR 97201
BENEFICIARY:	Columbia Community Bank

### 2. **DESCRIPTION OF PROPERTY COVERED BY THE TRUST DEED:**

See attached Exhibit A.

3. **RECORDING:** The Trust Deed was dated August 31, 2005, recorded September 6, 2005, in Volume M05, Page 63589, Official Records of Klamath County, Oregon. An Assignment of Deed of Trust to Columbia Community Bank was dated October 8, 2010, recorded October 15, 2010, as Volume No. 2010, Page 012218, Official Records of Klamath County, Oregon.
4. **DEFAULT FOR WHICH FORECLOSURE IS MADE:** Grantor is in default and Beneficiary seeks to foreclose the Trust Deed for Grantor's failure to pay the Promissory Note when due; the total amount past due as of October 13, 2010, was \$810,588.45, plus property expenditures, taxes, liens, assessments, insurance, attorney's and trustee's fees and costs, and interest due at the time of reinstatement or sale to the Beneficiary.
5. **SUM OWING ON OBLIGATION SECURED BY TRUST DEED:** By reason of said default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, said sums being the following, to-wit: Payoff in the sum of \$810,588.45 as of October 13, 2010, plus per diem thereafter of \$253.62, plus taxes, liens, assessments, property expenditures, insurance, accruing interest, late fees, attorney's and trustee's fees and costs incurred by Beneficiary or its assigns.
6. **ELECTION TO SELL:** Take notice that Beneficiary and Trustee have elected to sell the property to satisfy the obligations secured by the Trust Deed and to satisfy the expenses of the sale, including the compensation of the Trustee as provided by law and the reasonable fees of Trustee's attorneys, pursuant to ORS 86.705 to 86.795.

7. **SALE:** The sale shall be held:

On the Date: Friday, March 18, 2011,  
At the Time: 10:00 a.m. in accord with the standard of time established by ORS 187.110  
At the Place: The front steps of the Main Street entrance of the Klamath County Courthouse,  
316 Main Street, Klamath Falls, OR 97601

8. **RIGHT TO DISMISSAL AND REINSTATEMENT:** Take notice that any person named in ORS 86.753 has the right, at any time prior to five (5) 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, or the Beneficiary's successor in interest, 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 of the Trust Deed that is capable of being cured, by tendering the performance required under the obligation or Trust Deed, and in addition to paying the 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 reasonable trustee's and attorney's fees, as provided by ORS 86.753(b).

9. **NOTICE TO TENANTS:**

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is **February 16, 2011**. The name of the trustee and the trustee's mailing address are listed on this notice.

Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

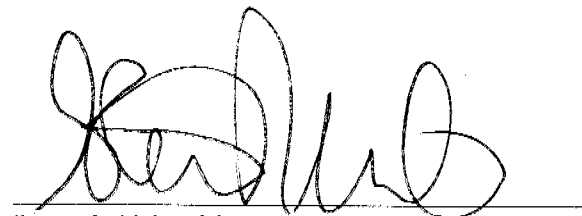
If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included with this notice.

10. **TENANTS: CONTACT INFORMATION FOR THE OREGON STATE BAR AND FREE LEGAL**

**SERVICE:** You may contact the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636, or to determine and possibly obtain free legal service you may contact L.A.S.O. Klamath Falls Regional Office at 403 Pine Street, Suite. 250 Klamath Falls, OR 97601 or call (541) 273-0533 or (800) 480-9160.

11. **TENANTS: RIGHT TO NOTICE:** You have the right to notice under ORS 86.755(5). In addition, you may have further rights under federal law.

DATED this 28<sup>th</sup> day of October, 2010.



Steven L. Naito, OSB No. 803215  
Successor Trustee

STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

I certify that I am the attorney or one of the attorneys for the above named Steven L. Naito and that this is a complete and exact copy of the original Trustee's Notice of Sale.

\_\_\_\_\_  
Attorney for Successor Trustee

**Exhibit "A"**

Real property in the County of Klamath, State of Oregon, described as follows:

TOWNSHIP 38 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN  
SECTION 36: THE SOUTHEAST QUARTER OF NORTHEAST QUARTER AND ALL OF SOUTHEAST QUARTER, ALSO THE SOUTHWEST QUARTER OF NORTHEAST QUARTER

TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN  
SECTION 31: THE SOUTHWEST QUARTER OF NORTHWEST QUARTER AND WEST HALF OF SOUTHWEST QUARTER

TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN  
SECTION 6: THE NORTH HALF OF NORTH HALF AND (THE SOUTHWEST QUARTER OF NORTHWEST QUARTER)

TOWNSHIP 39 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN  
SECTION 1: A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SECTION DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SECTION; THENCE WEST ALONG THE NORTH BOUNDARY OF THE SECTION TO THE NORTH-SOUTH CENTER LINE OF SAID SECTION; THENCE SOUTH TO THE INTERSECTION OF THE NORTH-SOUTH CENTER LINE OF THE SECTION WITH THE NORTHERLY BOUNDARY OF STATE HIGHWAY 140; THENCE FOLLOWING THE NORTHERLY BOUNDARY OF HIGHWAY 140 SOUTHEASTERLY TO ITS INTERSECTION WITH THE SOUTH BOUNDARY OF THE NORTH HALF OF NORTHEAST QUARTER OF SAID SECTION 1; THENCE EAST ON THE SOUTH BOUNDARY OF THE NORTH HALF OF NORTHEAST QUARTER OF SECTION 1 TO ITS INTERSECTION WITH THE EAST BOUNDARY OF SECTION 1; THENCE NORTH TO THE POINT OF BEGINNING.

SECTION 1: ALSO THE EASTERLY 40 FEET OF THE SOUTHWEST QUARTER OF NORTHEAST QUARTER THAT LIES NORTHERLY OF HIGHWAY 140

SECTION 1: ALSO A PORTION OF THE SOUTHWEST QUARTER OF NORTHEAST QUARTER, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 5/8 INCH IRON PIN ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF NORTHEAST QUARTER FROM WHICH THE NORTHEAST 1/16 CORNER OF SAID SECTION 1 BEARS SOUTH 89° 31' 34" EAST 40.00 FEET; THENCE SOUTH 00° 08' 01" EAST PARALLEL TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF NORTHEAST QUARTER, 432.41 FEET TO A 5/8 INCH IRON PIN ON THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID STATE HIGHWAY 140; THENCE NORTH 56° 11' 22" WEST ALONG SAID RIGHT OF WAY LINE, 146.70" EAST, GENERALLY ALONG SAID EXISTING FENCE, 358.95 FEET TO A 5/8 INCH IRON PIN ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF NORTHEAST QUARTER; THENCE SOUTH 89° 31' 34" EAST 46.50 FEET TO THE POINT OF BEGINNING.

(SECTION 1: THAT PORTION OF THE SOUTHEAST QUARTER OF NORTHEAST QUARTER LYING NORTHEASTERLY OF HIGHWAY 140)

SAVING AND EXCEPTING THE FOLLOWING PARCEL:

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 38 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 39 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, AND THE NORTHEAST QUARTER OF NORTHEAST QUARTER 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 NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF NORTHEAST QUARTER 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 NORTHWEST QUARTER NORTHWEST QUARTER OF SECTION 6; THENCE ALONG SAID SOUTH LINE SOUTH 89° 28' 21" WEST 199.91 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF NORTHEAST QUARTER OF SECTION 1 NORTH 89° 29' 44" WEST 1330.62 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF NORTHEAST QUARTER; THENCE ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF NORTHEAST QUARTER 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 NORTHWEST QUARTER OF NORTHEAST QUARTER 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 ¼ CORNER COMMON TO SECTION 1 AND SECTION 36, THENCE ALONG THE CENTER SECTION LINE OF SECTION 36 NORTH 00° 11' 27" EAST 3508.58 FEET TO THE POINT OF BEGINNING.

NOTE: PROPERTY IN PARENTHESIS ( ) HAS SINCE BEEN RECONVEYED BY 2007-5375, RECORDS OF KLAMATH COUNTY, OREGON

Tax Parcel Number: R428344 and R428344 and R428344 and R534979 and R534979 and R420299 and R420315 and R492292