

2011-003346

Klamath County, Oregon

RECORDING REQUESTED BY

T.D. SERVICE COMPANY

and when recorded mail to

T.D. SERVICE COMPANY
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988



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03/08/2011 02:49:42 PM

Fee: \$67.00

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^{1st} **OREGON NOTICE OF DEFAULT AND ELECTION TO SELL**

1689459



T.S. No: D524316 OR Unit Code: D Loan No: 378001543-9001/MONTI
Title #:

Reference is made to that certain Trust Deed made by MARTIN I. MONTI, JANET L. MONTI, JAMES J. MONTI, DEBRA A. MONTI as Grantor, to BRAD WILLIAMS C/O UPF INCORPORATED as Trustee, in favor of STERLING SAVINGS BANK as Beneficiary.

Dated September 25, 2007, Recorded September 26, 2007 as Instr. No. 2007-016860 in Book --- Page --- of Official Records in the office of the Recorder of KLAMATH County; OREGON

AND AN ASSIGNMENT OF RENTS DATED 09/25/07, AND A CONTINUING GUARANTY DATED 09/25/07, AND A CONTINUING GUARANTY DATED 10/27/04, SEE EXHIBIT "A" FOR CROSS COLLATERALIZED DEEDS OF TRUST

covering the following described property situated in said county and state to wit:
A TRACT OF LAND SITUATED IN THE NE 1/4 SE 1/4 OF SECTION 28, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE NE 1/4 SE 1/4 OF SAID SECTION; THENCE EAST ALONG SOUTH LINE OF SAID NE 1/4 SE 1/4 50 FEET; THENCE NORTH PARALLEL TO THE WEST LINE OF THE NE 1/4 SE 1/4 300.69 FEET TO THE EASTERLY RIGHT OF WAY OF OLD FORT ROAD; THENCE SOUTH 46 DEGREES 29' WEST ALONG THE EASTERLY RIGHT OF WAY OF SAID ROAD 68.95 FEET TO THE WEST LINE OF THE NE 1/4 SE 1/4; THENCE SOUTH 253.21 FEET ALONG THE WEST LINE OF SAID NE 1/4 SE 1/4 TO THE POINT OF BEGINNING.

The street or other common designation if any, of the real property described above is purported to be:

431A & 431B OLD FORT RD., KLAMATH FALLS, OR 97601

The undersigned Trustee disclaims any liability for any incorrectness of the above street or other common designation.

The undersigned CHRISTOPHER C. DORR, LLC, OSBA # 992526 hereby certifies that no assignments of the Trust Deed by the trustee or by the beneficiary and no appointments of a successor trustee have been made except as recorded in the mortgage records of the county or counties in which the above described real property is situated. Further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said Trust

Deed, or, if such action has been instituted, such action has been dismissed, except as permitted by ORS 86-735 (4).

There is a default by the Grantor or other person owing an obligation, the performance of which is secured by said Trust Deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provisions. The default for which foreclosure is made is Grantor's failure to pay when due the following sums:

9 PYMTS FROM 06/15/10 TO 02/15/11 @ 1,372.10	\$12,348.90
9 L/C FROM 06/26/10 TO 02/26/11 @ 68.60	\$617.40

Sub-Total of Amounts in Arrears: \$12,966.30

PLUS EVIDENCE THAT REAL ESTATE TAXES ARE CURRENT, SEE EXHIBIT B FOR ADDITIONAL AMOUNTS DUE.

Together with any default in the payment of recurring obligations as they become due.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable, said sums being the following, to wit: Principal *** together with interest as provided in the note or other instrument secured and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute. ***\$1,586,280.68

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes Section 86.705 to 86.795 and to cause to be sold at public auction to the highest bidder for cash the interest in the said described property which the Grantor had, or had the power to convey, at the time of the execution by Grantor of the Trust Deed, together with any interest the Grantor or his successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:00 A.M. in accord with the standard of time established by O.R.S.187.110 on July 11, 2011 at the following place:
INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET KLAMATH FALLS, County of KLAMATH, State of Oregon.

Other than as shown of record, neither the said beneficiary or the said trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the Trust Deed, or of any successor in interest to the grantor or of any lessee or other person in possession of or occupying the property, except:

NAME AND LAST KNOWN ADDRESS NATURE OF RIGHT, LIEN OR INTEREST

notice of default

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T.S. No: D524316 OR Unit Code: D Loan No: 378001543-9001/MONTI

Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five days before the trustee conducts the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated 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 performance required under the obligation of Trust Deed, and in addition to paying said sums or tendering the performance necessary to cure default, by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with trustee's and attorney's fees not exceeding the amounts provided by O.R.S. 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular gender 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 said Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

We are assisting the Beneficiary to collect a debt and any information we obtain will be used for that purpose whether received orally or in writing.

DATED: *MARCH 04, 2011*

CHRISTOPHER C. DORR, LLC, OSBA # 992526

By 

CHRISTOPHER C. DORR, ATTORNEY AT LAW

DIRECT INQUIRIES TO:
T.D. SERVICE COMPANY
FORECLOSURE DEPARTMENT
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988
(800) 843-0260

notice of default

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STATE OF OREGON

COUNTY OF MULTNOMAH

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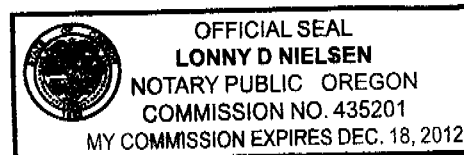
On 3-4-11 before me, Lonny D Nielsen, a Notary Public in
and for said County and State, personally appeared

Christopher C. Doer, 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 OREGON that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)



notice of default

TS # D 524316

Loan 378001543-9001/Montis Construction

EXHIBIT "A"

Said Deed of Trust is Cross Collateralized with the following Deeds of Trust:

TS# D524318

Recorded 1/28/09 as Instrument Number 2009-001039

TS# D524309

Recorded 1-28-09 as Instrument Number 2009-001035

TS# D524286

Recorded 1/28/09 as Instrument Number 2009-001037

TS# D524310

Recorded 1/28/09 as Instrument Number 2009-001038

TS# D524317

Recorded 1/28/09 as Instrument Number 2009-001036

TS# D524300

Recorded 1/28/09 as Instrument Number 2009-001040

TS# D524362

Recorded 8/24/06 as Instrument Number 2006-017078

TS# D524320

Recorded 5-16-05 as Vol M05 Page 35170

D524316 Loan 378001543-9001

EXHIBIT B

The following is an itemized account of the amounts in arrears under the Deeds of Trust and other obligations pursuant to certain cross default provisions under the Deeds of Trust and/or Cross Collateralization and Cross Default Riders to Deeds of Trust

D524300 Loan # 115240387

7 PYMTS FROM 07/01/10 TO 01/01/11 @ 848.62	\$5,940.34
7 L/C FROM 07/16/10 TO 01/16/11 @ 34.88	\$244.16
2 PYMTS FROM 02/01/11 TO 03/01/11 @ 712.40	\$1,424.80
1 L/C DUE 02/16/11 @ 34.88	\$34.88
DEMAND FEE	\$35.00
TOTAL	\$7,679.18

D524309 Loan# 115240460

7 PYMTS FROM 07/01/10 TO 01/01/11 @ 847.31	\$5,931.17
7 L/C FROM 07/16/10 TO 01/16/11 @ 34.88	\$244.16
2 PYMTS FROM 02/01/11 TO 03/01/11 @ 855.03	\$1,710.06
1 L/C DUE 02/16/11 @ 34.88	\$34.88
DEMAND FEE	\$35.00
TOTAL	\$7,955.27

D524317 Loan # 115240478

7 PYMTS FROM 07/01/10 TO 01/01/11 @ 847.31	\$5,931.17
7 L/C FROM 07/16/10 TO 01/16/11 @ 34.88	\$244.16
2 PYMTS FROM 02/01/11 TO 03/01/11 @ 855.03	\$1,710.06
1 L/C DUE 02/16/11 @ 34.88	\$34.88
DEMAND FEE	\$35.00
TOTAL	\$7,955.27

D524286 Loan # 115240486

7 PYMTS FROM 07/01/10 TO 01/01/11 @ 848.04	\$5,936.28
7 L/C FROM 07/16/10 TO 01/16/11 @ 34.88	\$244.16
2 PYMTS FROM 02/01/11 TO 03/01/11 @ 855.82	\$1,711.64
1 L/C DUE 02/16/11 @ 34.88	\$34.88
DEMAND FEE	\$35.00
TOTAL	\$7,961.96

D424310 Loan # 115240403

7 PYMTS FROM 07/01/10 TO 01/01/11 @ 847.31	\$5,931.17
7 L/C FROM 07/16/10 TO 01/16/11 @ 34.88	\$244.16
2 PYMTS FROM 02/01/11 TO 03/01/11 @ 848.72	\$1,697.44
1 L/C DUE 02/16/11 @ 34.88	\$34.88
DEMAND FEE	\$35.00
TOTAL	\$7,942.65

D514318 Loan # 115240395

7 PYMTS FROM 07/01/10 TO 01/01/11 @ 869.75	\$6,088.25
7 L/C FROM 07/16/10 TO 01/16/11 @ 34.88	\$244.16
2 PYMTS FROM 02/01/11 TO 03/01/11 @ 848.78	\$1,697.56
1 L/C DUE 02/16/11 @ 34.88	\$34.88
DEMAND FEE	\$35.00
TOTAL	\$8,099.85

D524362 Loan 378001018-9001

9 PYMTS FROM 06/15/10 TO 02/15/11 @ 1,656.36	\$14,907.24
9 L/C FROM 06/26/10 TO 02/26/11 @ 82.81	\$745.29
TOTAL	\$15,652.53

D524320 Loan 150703066

UNPAID PRINCIPAL BALANCE	\$280,366.20
INTEREST @ 6.5000 % FROM 05/24/10 THRU 03/04/11	\$14,224.69
ACCRUED LATE CHARGES	\$1,028.82
MISCELLANEOUS FEES	\$25,495.26
TOTAL	\$321,114.97