2011-003349
Klamath County, Oregon

00098652201100033490070071

03/08/2011 02:50:42 PM Fee: $67.00

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

5158587 Space above this line for recorder's use

1st

# OREGON NOTICE OF DEFAULT AND ELECTION TO SELL

1689173

T.S. No: D524309 OR Unit Code: D Loan No: 115240460/MONTIS CON
Min No: 100186300000157980
AP #1: R893650
Title #: 5158587

Reference is made to that certain Trust Deed made by MONTIS CONSTRUCTION INC., AN OREGON CORPORATION as Grantor, to ASPEN TITLE & ESCROW,INC as Trustee, in favor of STERLING SAVINGS BANK as Beneficiary.

Dated January 14, 2009, Recorded January 28, 2009 as Instr. No. 2009-001035 in Book --- Page --- of Official Records in the office of the Recorder of KLAMATH County; OREGON AND A CONTINUING GUARANTY DATED 02/08/07, SEE EXHIBIT "A" FOR CROSS COLLATERALIZED DEEDS OF TRUST

covering the following described property situated in said county and state to wit:
LOT 7, TRACT NO. 1439, PRAIRIE MEADOWS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON

The street or other common designation if any, of the real property described above is purported to be:
5553 KELLAL LANE, KLAMATH FALLS, OR 97603

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:

| | |
|---|---|
| 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 |
| Sub-Total of Amounts in Arrears: | $7,955.27 |

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

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

T.S. No: D524309 OR Unit Code: D Loan No: 115240460/MONTIS CON

STATE OF OREGON )
COUNTY OF MULTNOMAH )SS

On 3-4-11 before me, Lonny D Nielsen, a Notary Public in and for said County and State, personally appeared Christopher C. Dorr, 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 ______________________ (Seal)

OFFICIAL SEAL
LONNY D NIELSEN
NOTARY PUBLIC OREGON
COMMISSION NO. 435201
MY COMMISSION EXPIRES DEC. 18, 2012

notice of default

TS # D 524309 Loan 115240460/Montis Construction

EXHIBIT "A"

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

TS# D524300
Recorded 1/28/09 as Instrument Number 2009-001040

TS# D 524317
Recored 1/28/09 as Instrument Number 2009-001036

TS# D 524310
Recorded 1/28/09 as Instrument Number 2009-001038

TS# D524286
Recorded 1/28/09 as Instrument Number 2009-001037

TS# D524318
Recorded 1/28/09 as Instrument Number 2009-001039

TS# D524362
Recorded 8/24/06 as Instrument Number 2006-017078

TS# D524320
Recorded 5/16/05 as Vol M05 Page 35170

TS# D524316
Recorded 9/26/07 as Instrument Number 2007-016860

D524309 Loan# 115240460

# 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 |

**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 |

**D524316 Loan 378001543-9001**

| | |
|---|---|
| 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 |
| TOTAL | $12,966.30 |