

2011-003362

Klamath County, Oregon



00098665201100033620080086

03/08/2011 02:55:55 PM

Fee: \$72.00

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

1<sup>st</sup> 1689158

Space above this line for recorder's use

## OREGON NOTICE OF DEFAULT AND ELECTION TO SELL



T.S. No: D524362 OR Unit Code: D Loan No: 378001018-9001/MONTI'S CO  
Title #: 5158792

Reference is made to that certain Trust Deed made by MONTI'S CONSTRUCTION, INCORPORATED as Grantor, to BRAD WILLIAMS as Trustee, in favor of STERLING SAVINGS BANK as Beneficiary.

Dated August 23, 2006, Recorded August 24, 2006 as Instr. No. 2006-017078 in Book --- Page --- of Official Records in the office of the Recorder of KLAMATH County; OREGON AND A CONTINUING GUARANTY DATED 10/27/04, AND SAID DEED OF TRUST CONTAINS A SECURITY AGREEMENT OF EVEN DATE, SEE EXHIBIT "A" FOR CROSS COLLATERALIZED DEEDS OF TRUST

covering the following described property situated in said county and state to wit: LOTS 39, 40 AND 41, BLOCK 2, INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON

The street or other common designation if any, of the real property described above is purported to be:  
1225 ADAMS STREET, KLAMATH FALLS, OR 97601

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

At the same time as the Trustee's sale the Lender/Trustee will sell at public sale the personal property described on the attached Exhibit "C"

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

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

Sub-Total of Amounts in Arrears: \$15,652.53

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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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

)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 [Signature] (Seal)



notice of default

TS # D 524362

Loan 378001018-9001/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# D524320

Recorded 5/16/05 as Vol M05 Page 35170

TS# D524316

Recorded 9/26/07 as Instrument Number 2007-016860

D524362 Loan 378001018-9001

## 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
<b>TOTAL</b>	<b>\$7,961.96</b>

**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
<b>TOTAL</b>	<b>\$7,942.65</b>

**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
<b>TOTAL</b>	<b>\$8,099.85</b>

**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
<b>TOTAL</b>	<b>\$321,114.97</b>

**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
<b>TOTAL</b>	<b>\$12,966.30</b>

TS#D524362

LOAN#378001018-9001

EXHIBIT C – PERSONAL PROPERTY

ALL EQUIPMENT, FIXTURES, AND OTHER ARTICLES OF PERSONAL PROPERTY NOW OR HEREAFTER OWNED BY GRANTOR, AND NOW OR HEREAFTER ATTACHED OR AFFIXED TO THE REAL PROPERTY; TOGETHER WITH ALL ACCESSIONS, PARTS, AND ADDITIONS TO ALL REPLACEMENTS OF, AND ALL SUBSTITUTIONS FOR, ANY OF SUCH PROPERTY; AND TOGETHER WITH ALL PROCEEDS (INCLUDING WITHOUT LIMITATION ALL INSURANCE PROCEEDS AND REFUNDS OF PREMIUMS) FROM ANY SALE OR OTHER DISPOSITION OF THE PROPERTY.