

1st 1713108

\*

2011-005675

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

00101483201100056750040044

05/09/2011 02:51:52 PM

Fee: \$52.00

2011-005972

Klamath County, Oregon



00101805201100059720050052

05/12/2011 03:01:17 PM

Fee: \$62.00

Space above this line for rec

## OREGON NOTICE OF DEFAULT AND ELECTION TO SELL



T.S. No: L526630 OR Unit Code: L Loan No: SHASTA NUR  
AP #1: R 4112-02300 AP #2: R 4112-01400  
Title #:

Reference is made to that certain Trust Deed made by SHASTA NURSERY, INC. as Grantor, to FIRST AMERICAN TITLE INSURANCE COMPANY as Trustee, in favor of ROGER A. LOFTUS, THOMAS J. LOFTUS as Beneficiary.

Dated November 7, 2007, Recorded November 23, 2007 as Instr. No. 2007-019834 in Book --- Page --- of Official Records in the office of the Recorder of KLAMATH County; OREGON

covering the following described property situated in said county and state to wit:  
SEE ATTACHED EXHIBIT

The street or other common designation if any, of the real property described above is purported to be:  
13600 HIGHWAY 50, MALIN, OR 97632

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:

\* Document is being re-recorded to Attach Exhibit, Legal description.

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T.S. No: L526630 OR Unit Code: L Loan No: SHASTA NUR

22 PYMTS FROM 07/07/09 TO 04/07/11 @ 27,755.13	\$610,612.86
22 L/C FROM 07/17/09 TO 04/17/11 @ 2,775.51	\$61,061.22
SUMS ADVANCED BY THE BENEFICIARY	\$10,192.19
Sub-Total of Amounts in Arrears:	\$681,866.27

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 \$1,616,415.38 together with interest as provided in the note or other instrument secured from 07/06/09, and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

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 September 12, 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

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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: May 03, 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

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FOR CORPORATE ACKNOWLEDGEMENT

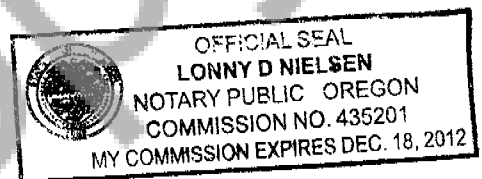
STATE OF OREGON )  
COUNTY OF MULTNOMAH ) SS

On May 03, 2011 before me, the undersigned, a Notary Public in  
and for said County and State personally appeared

CHRISTOPHER C. DORR, personally known  
to me to be the TRUSTEE, and

~~\_\_\_\_\_ personally known to me to be the  
\_\_\_\_\_ of the Corporation that executed the within  
Instrument, personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the persons who executed the within  
Instrument, on behalf of \_\_\_\_\_ the  
Corporation therein named, and acknowledged to me that such Corporation  
executed the within Instrument pursuant to its by-laws or a resolution of  
its board of directors. WITNESS my hand and official seal.~~

  
Notary Public in and for said County and State



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## **EXHIBIT A**

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

### **PARCEL 1:**

**In Township 41 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon.**

**Section 14: Lots 1 and 2 and the SE1/4 SW1/4; EXCEPTING right of way for Adams Canal; FURTHER EXCEPTING all that portion of the SE1/4 SW1/4 lying Easterly of the United States Reclamation Service right of way; AND FURTHER EXCEPTING the following Parcel:**

**Beginning at the Northwest corner of said Government Lot 1, said point being in the centerline of the County Road; thence Easterly along the North line of said Government Lot 1 and along the centerline of the County Road a distance of 179 feet; thence Southerly parallel with the West line of said Government Lot 1 a distance of 390 feet; thence Westerly parallel with the North line of said Government Lot 1 a distance of 179 feet to the West line of said Government Lot 1; thence Northerly along the West line of said Government Lot 1 a distance of 390 feet, more or less, to the point of beginning.**

### **PARCEL 2:**

**In Township 41 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon.**

**Section 23: Lots 1, 2, 3, 4, 5 and 6, NW1/4 NW1/4; EXCEPT that portion of Lots 2 and 5 lying within the North 30 acres of said Lots 2 and 5; AND FURTHER EXCEPTING that portion of Lots 3 and 4 lying within the SE1/4 NE1/4.**