

2013-008871

Klamath County, Oregon



00140302201300088710050057

08/05/2013 12:40:53 PM

Fee: \$57.00

**RECORDING COVER SHEET**

This cover page has been prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

**AFTER RECORDING RETURN TO:**

Shapiro & Sutherland, LLC  
1499 SE Tech Center Place  
Suite 255  
Vancouver, WA 98683  
S&S File No. 09-101634

Recording requested by: Same

COUNTY RECORDING OFFICE

**1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)**



Notice of Pendency of Action

PHH Mortgage Corporation v. James W. Kincaid; et al

Klamath County Circuit Court Case #: 1302947CN

**2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160**

PHH Mortgage Corporation

**3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160**

JAMES W. KINCAID; WENDY L. KINCAID; DREW A. HUMPHREY, OTHER PERSONS OR PARTIES, including OCCUPANTS, UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN

**4) TRUE AND ACTUAL CONSIDERATION | 5) SEND TAX STATEMENTS TO:**

ORS 93.030(5) – Amount in dollars or other

\$ \_\_\_\_\_ [ ] Other \_\_\_\_\_

**6) SATISFACTION of ORDER or WARRANT | 7) The amount of the monetary**

ORS 205.125(1)(e)

CHECK ONE: FULL

(If applicable) [ ] PARTIAL

| obligation imposed by the order

| or warrant. ORS 205.125(1)(c)

| \$ \_\_\_\_\_

**8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS**

**205.244: "RERECORDED AT THE REQUEST OF \_\_\_\_\_ TO**

**\_\_\_\_\_**

**CORRECT \_\_\_\_\_ PREVIOUSLY RECORDED IN BOOK \_\_\_\_\_ AND PAGE \_\_\_\_\_,**  
**OR AS FEE NUMBER \_\_\_\_\_."**

AFTER RECORDING RETURN TO:  
SHAPIRO & SUTHERLAND, LLC  
1499 SE Tech Center Place, Suite 255  
Vancouver, WA 98683  
S&S No: 09-101634

**NOTICE OF PENDENCY OF AN ACTION**

Pursuant to ORS 93.740, the undersigned states:

1. PHH Mortgage Corporation, As Plaintiff, has filed an action in the Circuit Court for Klamath County, State of Oregon.

2. The Defendants are: James W. Kincaid; Wendy L. Kincaid; Drew A. Humphrey;  
Other persons or Parties, including Occupants, Unknown  
Claiming Any Right, Title, Lien, Or Interest in the Property  
Described in the Complaint Herein

3. The description of the real property to be affected is:

See Legal Description attached and incorporated hereto as Exhibit A

*Yelena A. Medaraks*  
Notary Public of Washington  
My Commission Expires: 03-14-15

EXHIBIT A

A PARCEL OF LAND SITUATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 34 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MONUMENT MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35; THENCE NORTH 88 DEGREES 56 MINUTES 56 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 35, 700.37 FEET TO A POINT THAT IS LOCATED 700 FEET EAST, MEASURED AT RIGHT ANGLES FROM THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 00 DEGREES 47 MINUTES 57 SECONDS WEST PARALLEL TO THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 508.41 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF THE CHILOQUIN-SPRAGUE RIVER HIGHWAY, AND THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 00 DEGREES 47 MINUTES 57 SECONDS WEST PARALLEL TO THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 373.57 FEET TO A 5/8 INCH IRON PIN ON THE NORTH BANK OF THE SPRAGUE RIVER; THENCE CONTINUING SOUTH 00 DEGREES 47 MINUTES 57 SECONDS WEST PARALLEL TO THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 91.00 FEET, MORE OR LESS, TO THE THREAD OF THE SPRAGUE RIVER; THENCE NORTH 72 DEGREES 49 MINUTES 58 SECONDS EAST ALONG THE THREAD OF THE SPRAGUE RIVER 231.28 FEET TO A POINT LOCATED 920 FEET EAST, MEASURED AT RIGHT ANGLES, FROM THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 00 DEGREES 47 MINUTES 57 SECONDS EAST PARALLEL TO THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 83.00 FEET TO A 5/8 INCH IRON PIN ON THE NORTH BANK OF THE SPRAGUE RIVER; THENCE CONTINUING NORTH 00 DEGREES 47 MINUTES 57 SECONDS EAST PARALLEL TO THE SAID WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 380.86 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF THE CHILOQUIN-SPRAGUE RIVER HIGHWAY; THENCE SOUTH 72 DEGREES 59




EXHIBIT A  
(continued)

MINUTES 59 SECONDS WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE  
OF SAID CHILOQUIN-SPRAGUE RIVER HIGHWAY 231.06 FEET TO THE  
SAID TRUE POINT OF BEGINNING. BEARING BASED ON AND REFER TO  
RECORD SURVEY 4939.

SITUATED IN THE COUNTY OF KLAMATH AND STATE OF OREGON.

Permanent Parcel Number: R204905  
JAMES W. KINCAID AND WENDY L. KINCAID, HUSBAND AND WIFE

3210 SPRAGUE RIVER ROAD, CHILOQUIN OR 97624  
Loan Reference Number : [REDACTED]  
First American Order No: [REDACTED]  
Identifier: FIRST AMERICAN LENDERS ADVANTAGE

[REDACTED] KINCAID

FIRST AMERICAN LENDERS ADVANTAGE  
DEED OF TRUST

[REDACTED]