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IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF HARNEY

N. GORDON DAVIDSON and
LINDA DAVIDSON, d/b/a
DAVIDSON DRILLING SERVICE,

Plaintiffs,

vs.

MARTIN W. CARELLI, a/k/a MAC
CARELLI, LORETTA C. CARELLI,
BILL FROST, JOHN ONTA, JACK C.
LANCASTER and FERN LANCASTER,
DANIEL H. LANGENFELD and
HILDA T. LANGENFELD,

Defendants.

Case No. L-6773

- D E C R E E -

THIS MATTER coming on before the Court on the 6th day of August, 1975
plaintiffs appearing in person and by and through their attorneys, Wendell
Gronso and Stephen Finlayson, and the defendants Carelli appearing in
person and by and through their attorney, Irvin D. Smith, and the defendants
Lancaster appearing by and through their attorney Thomas M. Mosgrove,
and the defendants Bill Frost and John Onta appearing by and through their
attorney Riney J. Seeger, and the defendants Langenfeld appearing not, and
it appearing from the representation of Wendell Gronso, one of plaintiffs'
attorneys, that he had been contacted by Vernon Robinson, attorney at law,
on behalf of defendants Langenfeld and Wendell Gronso having advised the
Court that attorney Robinson was not going to appear, now, therefore,

The default of the defendants Langenfeld is hereby entered of record,

And the Court having heard testimony, arguments and reviewed exhibits
and being fully advised in the premises the Court finds:

1. That there was an agreement between defendants Carelli and the
plaintiffs to drill a water well at an agreed price of \$10.50 per foot plus
materials reasonably necessary.

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1 2. That a price of \$10.50 per foot was reasonable for the cost of
2 this well.

3 3. That the materials as set forth in plaintiffs' lien introduced in
4 evidence as Exhibit 2 were necessary and reasonable and were actually
5 used in said well.

6 4. That the statutory fee for preparation of notice of lien is \$5.00.

7 5. That the plaintiffs are entitled to and do have a valid and subsisting
8 mechanic's lien on the property and that there is unpaid on said well the
9 sum of \$702.10 with interest thereon at the rate of 6% per annum from
10 January 1, 1974 until paid and that the plaintiffs are entitled to a further
11 judgment against the said defendants Carelli and against the property
12 hereinafter described in the sum of \$2.00 for recording the lien, \$5.00
13 for preparation of said lien and for the sum of \$750.00 for plaintiffs'
14 reasonable attorney's fees.

15 6. That there has been established pursuant to the agreement a
16 147 foot well.

17 7. That plaintiffs are entitled to a personal judgment against the
18 defendants Carelli.

19 8. That the lien referred to in number 5 above is entitled to priority
20 against all defendants.

21 9. That fee simple title at the time the well was drilled was in the
22 Carellis.

23 10. That the said well is situated on the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township
24 23 South, Range 32 East, W.M. and that the same is in the vicinity of the SE
25 corner of the above described land and that the plaintiffs are entitled to foreclose
26 their lien upon the said well and for a circle with a 50 foot radius from said
27 well around said well and for an easement 20 feet in width commencing
28 at the outside portion of said circle directly South of said well to the

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1 County Road, said easement running directly South from said circle to the
2 County Road,
3 now, therefore,

4 IT IS HEREBY ORDERED. ADJUDGED and DECREED:

5 1. That the plaintiffs have judgment in the sum of \$709.10 with interest
6 thereon from the 1st day of January, 1974 until paid and for a further sum
7 of \$750.00 for plaintiffs' attorney's fees and for their costs and disbursements
8 incurred herein in the sum of \$197.⁴⁰ against the defendants Carelli.

9 2. That plaintiffs have a decree foreclosing their mechanic's lien
10 against the property described as:

11 Township 23 South, Range 32 East, W.M.

12 a circle with radius of 50 feet around the well plus 20 foot
13 easement from the well to Rye Grass Lane located on
Sec. 21: SW¹SW¹

14 and against the improvements constructed thereon for the above sums.

15 3. That said lien is hereby declared to be a first valid and subsisting
16 lien against that improvement and real property; that said improvement
17 and real property are to be sold by the Sheriff of Harney County as by law
18 provided on execution; that plaintiffs are permitted to purchase at the sale;
19 and the proceeds of the sale are to be applied as follows:

- 20 a. To the payment of the costs of sale;
21 b. To the payment of plaintiffs' lien in full including costs, interest
22 and attorney's fees;

23 4. That upon the sale of said real property the defendants named above,
24 and each of them and all persons claiming through them, and all persons
25 having liens subsequent to the mechanic's lien herein foreclosed on said
26 real property or the improvements constructed thereon, and all persons
27 having any liens or claims whatsoever in said property and subsequent to
28 plaintiffs' lien are forever foreclosed of all right, legal and equitable,

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in said real property, except the statutory right of redemption, and that execution and an order of execution issue to enforce this decree.

DATED this 20th day of August, 1975.

August, 1975.


Circuit Judge

APPROVED AS TO FORM:

Attorney for defendants Carelli

Attorney for defendants Lancaster

Attorney for defendants Frost and Omta

STATE OF OREGON,)
County of Washington,) ss. I, County Clerk of said County, do hereby certify that the foregoing
Court of the County, and the Court of said County, do hereby certify that the foregoing
copy of _____
has been by me _____ and that it is a correct transcript
therefrom, and _____
as the same are _____ in my office and in my custody
unto set my hand and affixed
this _____ day of _____ 1977

A. M. C. G. Clerk
P. J. H. T. N. Deputy

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Feb: Thomas M Masgrove City
Cyrilne Bledy One
John W. 47845

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 29th day of June A.D., 19 77 at 11:14 o'clock A M., and duly recorded in Vol. M77, of DEEDS on Page 11458.

FEE \$ 12.00

WM. D. MILNE, County Clerk

By Hazel Thaxil Deputy

4. Decree
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