

79412

Entered in Journal No. M 80

Vol. M 80 Page 203

VOL. 35 PAGE 203

at Page 844

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR KLAMATH COUNTY

2 JAMES R. DeBAUN,

3 Plaintiff,

4 vs.

5 FLOYD R. CARBAUGH, JR., LURENA D.  
6 CARBAUGH, ANZA, INC., an Oregon  
7 Corporation, WILLIAM E. CHILCOTE,  
8 FORREST D. EPPERSON, LINDA J.  
9 EPPERSON, CHARLES R. ESLINGER,  
10 AMY G. ESLINGER, WAYNE C. WILLIAMS,  
11 and also all other parties or persons  
12 unknown, claiming any right, title,  
13 estate, claim, or interest in the  
14 real property described in the Complaint  
15 herein,

16 Defendants.

No. 78-679 E

DECREE OF STRICT  
FORECLOSURE OF  
REAL ESTATE CONTRACT

FILED  
at 11:05 o'clock A.M.

JAN 16 1980

Wm. D. Milne, Clerk  
By Cathy L. Loring

17 It appearing to the Court that plaintiff is entitled to the  
18 relief prayed for in his complaint, the Court having found that on  
19 or about June 12, 1975, plaintiff and Lurena D. Carbaugh made and  
20 entered into a written contract bearing the date June 6, 1975 by  
21 which plaintiff agreed to sell to defendant, Lurena D. Carbaugh,  
22 the following described real property situated in Klamath County,  
23 State of Oregon, to-wit:

24 "Township 35 South, Range 10 East of the Willamette  
25 Meridian:

26 Section 34: That portion of Southeast 1/4 that lays  
27 South of Cherrywood Lane EXCEPTING THEREFROM the S 1/2  
28 of SW 1/4 of NW 1/4 of SE 1/4 and further EXCEPTING  
29 THEREFROM N 1/2 of NW 1/4 of SW 1/4 of SE 1/4 and

30 Section 35: That portion of W 1/2 of SW 1/4 that lays  
31 South of Cherrywood Lane, a platted road of Juniper  
32 Acres and

33 That portion of E 1/2 of SW 1/4 that lays South of Cherry-  
34 wood Lane, a platted road of Juniper Acres and  
35 W 1/2 of SE 1/4 and S 1/2 of SE 1/4 of SE 1/4,"

36 and the Court having further found that a portion of said property

NEAL G. BUCHANAN  
ATTORNEY AT LAW  
210 NORTH 4TH STREET  
KLAMATH FALLS,  
OREGON 97601  
882-8607

Page 1 - DECREE . . .

17.50 cash. Ret to a.c.t.

1 was conveyed by Lurena D. Carbaugh to Anza, Inc., an Oregon corpor-  
2 ation, which by contract dated August 19, 1975, conveyed the said  
3 property to Forrest D. Epperson and Linda J. Epperson, husband and  
4 wife; said property being situated in Klamath County, State of  
5 Oregon, to-wit:

6 "Township 35 South, Range 10 E.W.M., Section 34: that  
7 portion of the SE 1/4 that lies South of Cherrywood  
8 Lane, a platted road of Juniper Acres, excepting there-  
9 from the S 1/2 SW 1/4 NW 1/4 SE 1/4 and further except-  
ing therefrom the N 1/2 NW 1/4 SW 1/4 SE 1/4, being 94  
acres more or less."

10 And the Court having further found that Lurena D. Carbaugh,  
11 did by stipulated decree of dissolution of marriage, in Klamath  
12 County Circuit Court case number 77-161 E convey all right, title,  
13 and interest in the aforementioned contract of sale to Floyd R.  
14 Carbaugh, Jr.

15 And the Court having found that \$22,850.64 is the amount due  
16 and owing by Lurena D. Carbaugh and Floyd R. Carbaugh, Jr. to  
17 fully compensate James R. DeBaun, trustee, for all right, title  
18 and interest to said property, and

19 The Court having found that Forrest D. Epperson and Linda J.  
20 Epperson, husband and wife, did pay to James R. DeBaun the sum of  
21 \$22,850.64 which amount satisfies the outstanding balance due  
22 and owing on that certain contract between Anza, Inc., an Oregon  
23 corporation, and Forrest D. Epperson and Linda J. Epperson, husband  
24 and wife, dated August 19, 1975, and

25 The default of defendants, Floyd R. Carbaugh, Jr., Lurena D.  
26 Carbaugh, and Wayne C. Williams, having been entered the 22nd day  
27 of January, 1979, and the Court now being fully advised in the  
28 premises, now, therefore,

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that all right,  
2 title and interest to the following described property:

3 "Township 35 South, Range 10 E.W.M., Section 34: that  
4 portion of the SE 1/4 that lies South of Cherrywood  
5 Lane, a platted road of Juniper Acres, excepting there-  
6 from the S 1/2 SW 1/4 NW 1/4 SE 1/4 and further except-  
ing therefrom the N 1/2 NW 1/4 SW 1/4 SE 1/4, being 94  
acres more or less, situated in Klamath County, Oregon"

7 be, and hereby is vested in Forrest D. Epperson and Linda J.  
8 Epperson, husband and wife, and

9 IT IS FURTHER ORDERED that plaintiff, James R. DeBaun,  
10 trustee, execute and deliver unto Forrest D. Epperson and Linda  
11 J. Epperson, husband and wife, his deed to the parcel heretofore  
12 conveyed unto Forrest D. Epperson and Linda J. Epperson, and

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED:

14 1) That the defendants, Lurena D. Carbaugh, Floyd R.  
15 Carbaugh, Jr., William E. Chilcote, Anza, Inc., an Oregon corpora-  
16 tion, and Wayne C. Williams, and each of them, are hereby forever  
17 strictly foreclosed of all interest in the following real property:

18 "Township 35 South, Range 10 East of the Willamette  
19 Meridian:

20 Section 34: That portion of Southeast 1/4 that lays  
21 South of Cherrywood Lane EXCEPTING THEREFROM the S 1/2  
of SW 1/4 of NW 1/4 of SE 1/4 and further EXCEPTING  
THEREFROM N 1/2 of NW 1/4 of SW 1/4 of SE 1/4 and

22 Section 35: That portion of W 1/2 of SW 1/4 that lays  
23 South of Cherrywood Lane, a platted road of Juniper  
Acres and

24 That portion of E 1/2 of SW 1/4 that lays South of Cherry-  
25 wood Lane, a platted road of Juniper Acres and

26 W 1/2 of SE 1/4 and S 1/2 of SE 1/4 of SE 1/4,"

27 that all interest, both at law and in equity of defendants, Lurena  
28 D. Carbaugh, Floyd R. Carbaugh, Jr., William E. Chilcote, Anza,

1 Inc., an Oregon corporation, and Wayne C. Williams, in the real  
 2 property is hereby vested absolutely in the plaintiff except as  
 3 follows:

- 4 a) All right, title and interest in and to the following  
 5 described property:

6 "That portion of the W 1/2 of the SW 1/4 that lays  
 7 South of Cherrywood Lane, a platted road of Juniper  
 Acres, Section 35, Township 35 South, Range 10 E.W.M.,  
 Klamath County, Oregon,"

8 be and hereby is vested in Charles R. Eslinger and  
 9 Amy G. Eslinger, and

- 10 b) All right, title and interest in and to the following  
 11 described property:

12 "Township 35 South, Range 10 E.W.M., Section 34: that  
 13 portion of the SE 1/4 that lies South of Cherrywood  
 Lane, a platted road of Juniper Acres, excepting there-  
 14 from the S 1/2 SW 1/4 NW 1/4 SE 1/4 and further except-  
 ing therefrom the N 1/2 NW 1/4 SW 1/4 SE 1/4, being 94  
 acres more or less,"

15 be, and hereby is vested in Forrest D. Epperson and  
 Linda J. Epperson, husband and wife; and

16 2) That all monies heretofore paid by the defendants upon  
 17 the purchase price of said property belong to plaintiff, free from  
 18 all claims of the defendants or any of them; and

19 3) That this decree shall stand as the cancellation of the  
 20 contract described in plaintiff's complaint; and

21 4) That the plaintiff have judgment against the defendants,  
 22 Lurena D. Carbaugh, Floyd R. Carbaugh, Jr., and Wayne C. Williams,  
 23 and each of them, for \$1,500.00 attorney's fees and plaintiff's  
 24 costs herein incurred taxed at \$ 404.57; and

25 5) That the Sheriff of Klamath County, Oregon, place plain-  
 26 tiff in the immediate possession of the remaining real property;  
 27 and

28 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff



owns, in fee simple, and is entitled to the quiet and peaceful possession of the following described real property situated in Klamath County, State of Oregon, to-wit:

"Township 35 South, Range 10 E.W.M., Section 35; the S 1/2 of the SE 1/4 of the SE 1/4 and the W 1/2 of the SE 1/4 and that portion of the E 1/2 of the SW 1/4 that lays South of Cherrywood Lane, a platted road of Juniper Acres,"

and that the defendants, and all of them, and all persons claiming under them, have no estate, right, title, lien or interest in and to the said real property or any part thereof; and each of the said defendants is hereby permanently enjoined from asserting any adverse claim to plaintiff's title to said property.

Dated this 16<sup>th</sup> day of January, 1980.

Donald A. Pypri  
Circuit Court Judge

IT IS SO STIPULATED:

Neal G. Buchanan  
Neal G. Buchanan

Attorney for James R. DeBaun, Trustee

Blair M. Henderson  
Blair M. Henderson  
Attorney for Charles R. Eslinger  
and Amy G. Eslinger

Steven A. Zamsky  
Steven A. Zamsky, Attorney for  
Forrest D. Epperson and Linda  
J. Epperson

Ed L. Howell  
Ed L. Howell, Attorney for  
Anza, Inc. and William E. Chilcote

STATE OF OREGON,  
County of Klamath )  
Filed for record at request of

Neal G. Buchanan

on this 16<sup>th</sup> day of January A.D. 19 80

at 11:31 o'clock A M, and duly

recorded in Vol. M-80 of Deeds

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Wm D. MILNE, County Clerk

By Jacqueline D. Mettee Deputy

Fee \$17.50