

FROM:

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

TO:

THE COUNTY RECORDER FOR THE COUNTY OF KLAMATH STATE OF OREGON  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

RE:

Adolph Drazil, a Natural Citizen, )  
THE ADOLPH DRAZIL TRUST, a citizen )  
by law, and Marie E. Drazil, a Natural )  
Citizen and representative )  
Trustee of THE ADOLPH DRAZIL TRUST )

Plaintiffs,

CASE NUMBER: 85-6339-KF

Against

NOTICE OF LIS PENDENS

FEDERAL LAND BANK OF SPOKANE, a  
Corporation in SPOKANE, WASHINGTON  
et al,

Defendant.

This Notice of Lis Pendens is filed in compliance of Title 28 USC Section 1964 and in accordance with ORS 93.760. This Notice is filed NUNC PRO TUNC as the earliest date same could have been filed was August 21, 1985, for Complaint too FORECLOSE interest of Defendant in real property described below was filed in the United States District Court for the District of Oregon on the 20th day of August, 1985 and Defendant was first served on the 29th day of August, 1985. The real property being foreclosed within the County of Klamath is described as follows:

Township 41 South, Range 12 East of the Willamette Meridian;  
Section 17; Government Lots 1 & 2  
Section 8; SE  $\frac{1}{4}$  SE  $\frac{1}{4}$

EXCEPT: A tract of land situated in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 8, Township 41 South, Range 12 E.W.M., Klamath County, Oregon, more particularly described as follows:

86 SEP 26 PM 1 49

25-11

1 Beginning at a point marked by a P.K. Nail on the south line of said  
2 section 8, said point being S. 89°50'00" W. 640.52 feet from the South-  
3 east corner of said Section 8; thence continuing S. 89°50'00" W., along  
4 said section line, 186.00 feet to a P.K. Nail; thence N. 00°34'40" E.  
5 30.00 feet to a 5/8 inch iron pin on the Northerly right of way line of  
6 DeMerritt Road; thence continuing N. 00°34'40" E. 377.08 feet to a 5/8  
7 inch iron pin; thence N. 89°50'00" R. 186.00 feet to a 5/8 inch iron  
8 pin; thence S. 00°34'40" W. 377.08 feet to a 5/8 inch iron pin on the N  
9 Northerly right of way line of said DeMerritt Road; thence continuing  
10 S. 00°34'40" W. 30.00 feet to the point of beginning, containg 1.74 acres.

11 THIS NOTICE OF LIS PENDENS IS A WARNING TO ANY BUYER OF THE ABOVE DESCRIBED  
12 PROPERTY THAT A LAWSUIT IS IN PROGRESS AND THAT HE/SHE SHALL BE BOUND BY ANY  
13 ADVERSE JUDGEMENTS. THE TITLE TO SAID REAL PROPERTY IS GEING CONTESTED IN A  
14 COURT OF LAW AND THIS CLOUD ON TITLE SHALL REMAIN IN EFFECT UNTIL SAID CASE IS  
15 ADJUDICATED BY THE COURT AND OR JURY.


16 United States District Court for the District of Oregon Clerk's Certified  
17 Copies as evidence of the ongoing case are attached hereto and made a part  
18 hereof are marked:

19 EXHIBIT # 1 (2 pages) Docketing sheet for Case Number 85-6339-KF

20 EXHIBIT # 2 (2 pages) ANSWER of Defendant to Plaintiffs' Second Amended  
21 Complaint by their Attorney Stanley C. Jones.  
22 (Court's document # 21)

23 SUBMITTED this 26th day of September, 1986, by Leo A. Hoad, Jr. at the  
24 request of and for Adolph Drazil on<sup>e</sup> of Plaintiffs.

25 RETURN TO: Adolph Drazil  
26 HC 62, Box 95  
Malin, Oregon  
97632

  
Leo Alexander Hoad, Jr.

17471

DATE	NR	PROCEEDINGS	
1985			
Aug 20	1	Complaint.	
20	2	Ord - discov be completed by 12/20/85; PTO due 1/20/86. Clerk	PTO-8/20/85 PTO-1/20/86-
20	3	Ord - Clerk directed to delete Mr. Hoad from summons form and issue it forthwith. H	
20	-	Issued summons.	
27	4	Pltf's AMENDED COMPLT/ DEMAND FOR JURY TRIAL.	
27	-	Issued sums.	
Sep 17	5	Retn on sums - sums/complt served on Federal Land Bank of Spokane, 8/29/85.	
17	6	Retn on sums - sums/complt served on Federal Land Bank of Spokane & William B. Nourse, 8/29/85.	
20	7	Defts Fed. Land Bank of Spokane, Fed. Land Bank Assoc. of Klamath Falls, Withers, Bell, Niessner, Krueger & Ensley's ANSWER to complt.	
Nov 5	-	Issued sums.	
Dec 18	8	Defts' mot to dismiss action	
1986			
Jan 9	9	Pltfs' mot for enlargement of time to respond to mot #8. c-H	#8-MC-1/14/86na
9	10	Rec of ord allowing mot #9 - pltfs' oppos to mot to dismiss due 1/28/86.	
29	11	Pltf's response to defts' mot to dismiss.	#8-MC-2/4/86-na--
31	12	Rec of ord striking defts' mot to dismiss (#8) from MC 2/4/86 as memo in oppos is not due to be filed until 1/28/86. Clerk's Office in Eugene will reset mot on appropriate mot calendar. FR	#8-MC-2/18/86-na
Feb 11	13	Rec of ord extending PTO lodging date to 4/11/86. H	PTO-4/11/86-
Apr 16	14	Rec of ord extending PTO lodging date to 6/11/86. H	-PTO-6/11/86-
May 16	15	F&R - deft's mot #8 to dismiss should be allowed. H	#8-F&R-RE
30	16	Pltfs' constructive notice.	Becket-Check: 7/22/86-(PTO-6/11/86- 8/15/86-See-#18-
July 9	17	Ord - on F&R - action dismiss w/leave to re-plead. RE	
25	18	Ord - pltfs file an a/complt not later than 8/15/86 or show cause in writing by that date why this action should not be dismissed for lack of prosecution. BU	
Aug 15	19	Pltf's SECOND AMENDED COMPLAINT; jury demand.	
15	--	Issued summons.	
18	20	Ord - PTO be lodged by 11/18/86. H	PTO 11/18/86
Sept 8	21	Deft Federal Land Bank's ANSWER to 2nd a/complt.	
10	22	Summs - Federal Land Bank served 8/18/86.	
10	23	Summs - Atty Jones served 2/22/86.	
12	24	Deft Individuals and Federal Land Bank Assoc. of K.F. mot for judgment on the pleadings.	#24 MC 10/14/86na

DIST. OFF.		DOCKET		FILING DATE				J		N/S		O		D		R		\$ DEMAND		JUDGE/ MAG. NO.		COUNT		FILE NO.	
YR.	NUMBER	MO.	DAY	YEAR																					
979	6	85	6339	KE	8	20	85	4	430	1	1	2						Nearest \$1,000	J		17472	41035	85-6339-K		

### PLAINTIFFS

ADOLPH DRAZIL, a Natural Citizen,  
ADOLPH DRAZIL TRUST, a citizen by  
law, Marie E. Drazil, a Natural  
Citizen, and representative of The  
ADOLPH DRAZIL DRAZIL TRUST

### DEFENDANTS

1. FEDERAL LAND BANK OF SPOKANE, a corporation in SPOKANE, WASHINGTON
2. FEDERAL LAND BANK ASSOCIATION OF KLAMATH FALLS, a charter corporation of FEDERAL LAND BANK OF SPOKANE CORPORATION,
3. ALAN G. WITHERS, President and
4. MIKE L. BELL, Manager of FEDERAL LAND BANK ASSOCIATION OF KLAMATH FALLS,
5. FRANK NIESSNER, then Chairman of the Board of Directors and
6. ~~DIRECTORS JOHN AND JANE DOES 1 thru 10 and,~~
7. ~~KENNETH P. KRUEGER, then President of FEDERAL LAND BANK OF SPOKANE CORPORATION, AND~~
8. ~~OFFICERS JOHN AND JANE DOE 1 thru 25, DIRECTORS AND OFFICE STAFF of the FEDERAL LAND BANK ASSOCIATION OF KLAMATH FALLS~~
9. ~~JOHN AND JANE DOES 1 thru 15, and~~
10. ~~FEDERAL FARM CREDIT BOARD MEMBER MELVIN A. ENSLEY~~

Cause: Farm Credit Act of 1971,  
Real Property, Truth in Lending,  
12 USC, Chap 33 violations, 18 USC  
1341, 1962 & 1964 violations, and  
violations of 42 USC and Article  
IV

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

### ATTORNEYS

Pro Pers  
c/o Adolph Drazil Trust  
HC 62, Box 95  
Malin, OR 97632

COMPLT AMENDED 8/27/85 striking #6-10 and adding:

6. KENNETH P. KRUEGER,
7. FEDERAL LAND BANK OF SPOKANE BOARD OF DIRECTORS,
8. JOHN AND JANE DOES 1 THRU 20,
9. BANK OFFICERS AND OFFICE STAFF JOHN AND JANE DOES 1 THRU 50,
10. FEDERAL LAND BANK ASSOCIATION OF KLAMATH FALLS BOARD OF DIRECTORS 1 THRU 10,
11. BANK OFFICERS AND OFFICE STAFF JOHN AND JANE DOES 1 THRU 20, and
12. UNKNOWN PRINCIPLE ACTORS JOHN AND JANE DOES 1 THRU 100, and
13. FEDERAL FARM CREDIT BOARD MEMBER MELVIN A. ENSLEY,

#1,2,3,4,5,6,13

Stanley C. Jones  
Giacomini, Jones & Trotman  
635 Main St  
Klamath Falls, OR 97601  
(503) 884-7728

Certified to be a true and correct copy of original filed in my office.  
Dated 8/25/85  
ROBERT A. CHIST, Clerk

EXHIBIT # 1 Page 1

☐ CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS

FILING FEES PAID		RECEIPT NUMBER		BY		CD NUMBER		STATISTICAL CARDS	
DATE								CARD	DATE MAILED
								JS-5	9/5/85
								JS-6	

1 Stanley C. Jones  
 2 OSB No. 49054  
 3 Giacomini, Jones & Trotman  
 4 Attorneys at Law  
 5 635 Main Street  
 6 Klamath Falls, OR 97601  
 7 Telephone: (503)884-7728

U.S. DISTRICT COURT  
 DISTRICT OF OREGON  
 SOUTHERN DIVISION

FILED

SEP 8 1986

ROBERT M. CHRIST, CLERK  
 DEPUTY

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF OREGON

10 ADOLPH DRAZIL, ADOLPH DRAZIL TRUST,  
 11 and MARIE E. DRAZIL, TRUSTEE OF THE  
 12 ADOLPH DRAZIL TRUST,

Plaintiffs,

vs.

14 FEDERAL LAND BANK OF SPOKANE, FEDERAL  
 15 LAND BANK ASSOCIATION OF KLAMATH FALLS,  
 16 ALAN G. WITHERS, MIKE L. BELL, FRANK  
 17 MIESSNER, KENNETH P. KRUEGER, MELVIN A.  
 18 ENSLEY and JOHN AND JANE DOES 1 thru  
 19 35.

Defendants.

Civil No. 85-6339-KF

ANSWER

20 Defendant, Federal Land Bank of Spokane for Answer for  
 21 Plaintiffs' Second Amended Complaint admits and denies as  
 22 follows:

1.

23 Admits the allegations contained in paragraphs 1, 2, 3  
 24 and 10 of Plaintiffs' Second Amended Complaint.

\*\*\*\*\*

Certified to be a true and correct  
 copy of original filed in my office.

Dated 9-25-86

ROBERT M. CHRIST

Giacomini, Jones & Trotman  
 Attorneys at Law  
 635 Main Street  
 Klamath Falls, Oregon 97601  
 Telephone: 503/884-7728

2.

Denies the allegations contained in paragraphs 5, 7, 8, 9, 11, 12, 13, 14, 15, and 16 of Plaintiffs' Second Amended Complaint.

3.

Admits the basic substance of the allegations contained in paragraphs 4 and 6 and 7 of Plaintiffs' Second Amended Complaint although these paragraphs contain incorrect statements which do not appear to materially affect the case.

4.

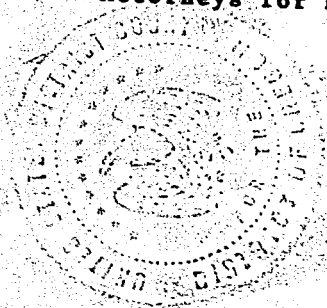
In addition, Defendant Federal Land Bank of Spokane denies all of the allegations of fact which are inserted into the prayer of Plaintiffs' Second Amended Complaint in paragraphs 17, 18, 19 and 20.

WHEREFORE, having fully answered Plaintiffs' Second Amended Complaint, Defendant asks that it be dismissed and Defendant be awarded its costs, disbursements and attorney fees incurred herein.

GIACOMINI, JONES &amp; TROTMAN

By:

*Stanley C. Jones*  
Stanley C. Jones, of  
Attorneys for Defendants.



Giacomini, Jones & Trotman  
Attorneys at Law  
635 Main Street  
Klamath Falls, Oregon 97601  
Telephone: 503/884-7728

EXHIBIT 2 Page 2  
ANSWER  
Page -2-

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_  
of \_\_\_\_\_ September \_\_\_\_\_ A.D., 19 86 at 1:49 o'clock P M., and duly recorded in Vol. \_\_\_\_\_ M86 day \_\_\_\_\_  
of \_\_\_\_\_ Mortgages \_\_\_\_\_ on Page 17469

Evelyn Biehn, County Clerk  
By \_\_\_\_\_

FEE \$25.00