

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

R. RAYMOND ROYSE and JESSIE P. ROYSE, husband and wife,

Plaintiffs,

vs.

LEWIS E. ERBES, DAVID C. ELLIOTT and ELOISE J. ELLIOTT, husband and wife,

Defendants.

Case No. 88-371-CV

NOTICE OF PENDENCY
OF AN ACTION

Pursuant to ORS 93.740, the undersigned states:

1. As plaintiffs, R. RAYMOND ROYSE and JESSIE P. ROYSE, husband and wife, have filed an action in the Circuit Court for Klamath County, State of Oregon;

2. The defendants are LEWIS E. ERBES, DAVID C. ELLIOTT and ELOISE J. ELLIOTT;

3. The object of the action is foreclosure of a commercial, non-purchase money mortgage;

4. The description of the real property to be affected is attached hereto marked as Exhibit 1.

DATED this 2 day of December, 1988.

ASPELL, DELLA-ROSE & RICHARD

BY: Bradford J. Aspell
BRADFORD J. ASPELL, OSB. 74015
Of Attorneys for Plaintiffs

Rel:

ASPELL, DELLA-ROSE & RICHARD
122 South Fifth Street
Klamath Falls, Oregon 97601
(503) 883-7754

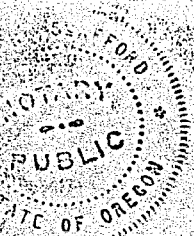
1 STATE OF OREGON)
2 : ss.
3 County of Klamath)

4 The foregoing instrument was acknowledged before me this 2nd
5 day of December, 1988 by Bradford J. Aspell.

Deena R Swafford

NOTARY PUBLIC FOR OREGON

My commission expires: 8/20/90



PARCEL 1:
Beginning at a point 2783.75 feet South of Southeast corner of Northeast quarter of Northeast quarter of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being the Northeast corner of property conveyed to A. N. Kelsey and Bula H. Kelsey by Deed recorded May 9, 1944 in Volume 164, page 552, Klamath County Deed Records, and running thence North a distance of 60 feet; thence Westerly 265 feet to a point; thence North a distance of 103.75 feet, more or less, to the Southerly line of Summers Park; thence West along the said Southerly line of Summers Park a distance of 1025 feet, more or less to the West line of East half of Southeast quarter of said Section 10; thence South along said West line a distance of 173.75 feet, more or less, to the Northwest corner of said property so conveyed to said Kelseys by the Deed above described; thence East along the North line of said Kelsey property a distance of 1320 feet to the point of beginning, excepting the East 30 feet contained in Summers Lane.

EXCEPTING THEREFROM a tract of land in the NE $\frac{1}{4}$ of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West line of Summers Lane which is South 00° 21' 00" East a distance of 103.75 feet, more or less, from the iron axle marking the Southeast corner of Summers Park, Klamath County, Oregon, which said point is situated on the Northerly line of that certain parcel conveyed to Amos H. Kelsey and Bula H. Kelsey, by Deed recorded in Volume 278, page 36 Klamath County, Oregon, Deed Records; thence Westerly along said Northerly line of said Kelsey parcel a distance of 235 feet, more or less to a point; thence, continuing Westerly on the same bearing a distance of 460 feet, more or less, to a point which is the intersection of this line (being said Northerly line of said Kelsey parcel extended) with the Westerly line of Derby Street extended Northerly on its same bearing from its terminus at the North line of Mazama Gardens, Klamath County, Oregon; thence Southerly along the Westerly line of Derby Street extended a distance of 60 feet, more or less, to a point which is South 89° 39' 00" West a distance of 388 feet, more or less, from the 5/8th inch iron pin which marks the Northwest corner of the tract of land sold to Jack Mulkey et ux; thence, North 89° 39' 00" East a distance of 388 feet, more or less, to said Northwest corner of said Mulkey Tract; thence, continuing North 89° 39' 00" West along the North line of said Mulkey Tract a distance of 306.47 feet, more or less, to the 5/8th inch iron pin on the West line of Summers Lane, which marks the Northeast corner of said Mulkey Tract; thence North 00° 21' 00" West along said West line of Summers Lane a distance of 60 feet, more or less, to the point of beginning.

PARCEL 2:
A tract of land in the NE $\frac{1}{4}$ of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West line of Summers Lane which is South 00° 21' 00" East a distance of 103.75 feet, more or less, from the iron axle marking the Southeast corner of Summers Park, Klamath County, Oregon, which said point is situated on the Northerly line of that certain parcel conveyed to Amos H. Kelsey and Bula H. Kelsey, by Deed recorded in Volume 278, page 36 Klamath County, Oregon, Deed Records; thence Westerly along said Northerly line of said Kelsey parcel a distance of 235 feet, more or less to a point; thence, continuing Westerly on the same bearing a distance of 460 feet, more or less, to a point which is the intersection of this line (being said Northerly line of said Kelsey parcel extended) with the Westerly line of Derby Street extended Northerly on its same bearing from its terminus at the North line of Mazama Gardens, Klamath County, Oregon; thence Southerly along the Westerly line of Derby Street extended a distance of 60 feet, more or less, to a point which is South 89° 39' 00" West a distance of 388 feet, more or less, from the 5/8th inch iron pin which marks the Northwest corner of the tract of land sold to Jack Mulkey et ux; thence, North 89° 39' 00" East a distance of 388 feet, more or less, to said Northwest corner of said Mulkey Tract; thence, continuing North 89° 39' 00" West along the North line of said Mulkey Tract a distance of 306.47 feet, more or less, to the 5/8th inch iron pin on the West line of Summers Lane, which marks the Northeast corner of said Mulkey Tract; thence North 00° 21' 00" West along said West line of Summers Lane a distance of 60 feet, more or less, to the point of beginning.

PARCEL 3:
Beginning 2783.75 feet South of the Southeast corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence South 327.50 feet; thence West 1320 feet, thence North 327.50 feet, thence East to the place of beginning.

EXCEPTING THEREFROM a parcel of land situated in the SE $\frac{1}{4}$ of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

Beginning at a 5/8 inch iron pin which is 1.5 feet North of an existing fence corner on the Westerly right of way line of Summers Lane, said point being South 00° 21' 00" East a distance of 163.75 feet from the iron axle marking the Southeast corner of "Summers Park" subdivision and said beginning point being South a distance of 2783.75 feet and West a distance of 30.00 feet from the Southeast corner of the NE $\frac{1}{4}$ of said Section 10 by the description of that property deeded from Franklin to Kelsey and described in Deed Volume 278, page 36, Klamath County Deed Records; thence South 89° 39' 00" West at right angles to Summers Lane and along the South line of said property deeded from Franklin to Kelsey and the Westerly extension of said line a distance of 306.47 feet to a 5/8 inch iron pin 0.4 feet Northwest of an existing fence corner; thence South 00° 14' 00" West a distance of 99.78 feet to a 5/8 inch iron pin 0.4 feet Southwest of an existing fence corner; thence South 89° 44' 55" East a distance of 307.50 feet to a 5/8 inch iron pin 0.4 feet South of an existing fence corner, said point being on the Westerly right-of-way line of Summers Lane; thence North 00° 21' 00" West along the Westerly right-of-way line of Summers Lane a distance of 103.00 feet to the point of beginning.

Also EXCEPTING THEREFROM a parcel of land in the NE $\frac{1}{4}$ of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

Beginning at a 5/8 inch iron pin on the West right of way line of Summers Lane which bears South a distance of 2783.75 feet and West a distance of 30.0 feet from the Southeast corner of the NE $\frac{1}{4}$ of said Section 10, said point also being the Northeast corner of parcel conveyed to A. N. Kelsey, et ux by Deed Volume 164, page 552, thence South 00° 21' East, along the West line of Summers Lane, a distance of 103.0 feet to the true point of beginning of this description; thence North 89° 44' 55" West a distance of 200.0 feet to a point; thence South 00° 21' East, parallel with the West line of Summers Lane, to the North line of Mazama Gardens; thence North 89° 52' East along said North line, a distance of 200.0 feet, more or less, to a 2" iron pipe on the West right of way line of Summers Lane; thence North 00° 21' West, along said right of way line, a distance of 225.36 feet, more or less, to the point of beginning.

EXHIBIT
PAGE

STATE OF OREGON: COUNTY OF KLAMATH ss.

Filed for record at request of Aspell, Della-Rose & Richard the 19th day
of Dec. A.D. 19 88 at 4:20 o'clock P.M., and duly recorded in Vol. M88
of Mortgages on Page 21520

Evelyn Biehn County Clerk
By Caroline M. Mullan

FEE \$18.00