

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF KLAMATH

JAN 12 PM 1:25

In the Matter of the Marriage of:)

MARY ELIZABETH AYRES,)

Petitioner,)

and)

THOMAS ARTHUR AYRES,)

Respondent.)

Case No: 88-49-DI

JUDGMENT
OF DISSOLUTION OF
MARRIAGE

This suit coming on to be heard by the Court; Petitioner appearing by and through her attorney, Karla Knieps, Respondent appearing by and through his attorney, Neal G. Buchanan; the parties having previously advised the Court that a settlement and compromise of their differences had been reached, which said settlement and compromise is incorporated into the within Judgment; and the Court finding that the Court has jurisdiction of the parties; and of the children herein; and further the Court finds there are irreconcilable differences making continuation of the marriage impossible; and the Court now being fully advised in the premises, now therefore

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the marriage contract now existing between Petitioner and Respondent be and it hereby is dissolved; that this Decree becomes finally effective to terminate the marriage status of the parties hereto on the expiration of thirty (30) days from the date hereof, to-wit:

11 February, 1989; or, if an appeal, whichever is later. In

case either party dies within the thirty (30) day period specified herein, this Decree shall be considered to have

entirely terminated the marriage relationship of the parties

9B/11F - JUDGMENT OF DISSOLUTION OF MARRIAGE - Page 1

1 immediately before such death, unless an appeal is pending, as
2 aforesaid; and

3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any Will of
4 either party to this cause antedating this Decree is revoked,
5 unless such Will expressly declares the intention of the testator
6 or the testatrix therein that the Will is not to be deemed
7 revoked by a Decree of Dissolution of Marriage or annulment; that
8 neither party hereto is entitled to cohabit with the other from
9 the date hereof; and that neither party shall be capable of
10 contracting marriage with a third person until the expiration of
11 thirty (30) days from the date of this Decree; or if an appeal is
12 pending, then until the suit is determined on such appeal,
13 whichever is later; and

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Petitioner
15 is awarded the care, custody and control of the minor children of
16 the parties, to-wit:

17 TODD ALLAN AYRES, a boy, born 8/22/74
18 MARISSA ANNE AYRES, a girl, born 3/12/77
19 TAYLOR ANDREW AYRES, a boy, born 1/28/81

20 subject to the right of Respondent to see and visit said children
21 at all such reasonable times and places as will not interfere
22 with their health, education and welfare.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Petitioner
24 is awarded Judgment against Respondent in the sum of \$250.00 per
25 month, per child, child support, payable during the minority of
26 said minor children, and thereafter so long as any of said
27 children shall be a "child attending school" as defined in ORS
28 107.108(4); said payments to be made through the Clerk of the
above-entitled Court; said support after the age of 18 shall be

9B/11F - JUDGMENT OF DISSOLUTION OF MARRIAGE - Page 2

1 paid through the Clerk of this Court to the order of the minor
2 child rather than to the custodial parent; the first such child
3 support payments shall be due the 1st day of February, 1989, with
4 a further and like payment due the 1st day of each and every
5 month thereafter.

6 NOTICE OF INCOME WITHHOLDING: The within
7 support order is enforceable by income
8 withholding under Section 4, Chapter 671 of
9 Oregon Laws 1985. Withholding may occur
10 whenever there are arrearages at least equal to
11 the support payment for one month or whenever
the obligated parent requests such withholding.
The District Attorney or, as appropriate, the
Support Enforcement Division of the Department
of Justice will assist you in securing such
withholding.

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Petitioner
13 shall, once any of the said minor children attains the age of 18
14 years, advise Respondent each time the child's status as "a child
15 attending school" changes. Petitioner shall further notify
16 Respondent if any of the said minor children receives income from
17 his own gainful employment, is married, or enters into the
18 military service.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Petitioner
20 is awarded Judgment against Respondent for the support of
21 Petitioner in the sum of \$500.00 per month, said payment to be
22 made beginning with the payment the 1st day of February, 1989,
23 and a similar and like payment to be payable on the 1st day of
24 each and every month thereafter for a period of 20 months; all of
25 such payments to be made through the Clerk of this Court.

26 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Respondent
27 purchase and maintain a life insurance policy naming as sole and
28 irrevocable beneficiaries the Petitioner and the minor children

9B/11F - JUDGMENT OF DISSOLUTION OF MARRIAGE - Page 3

1 herein, in an amount sufficient to secure the child support and
2 spousal support payments provided for hereinabove, in a face
3 amount of not less than \$50,000.00 (and \$10,000.00 for each minor
4 child); and Respondent is required to pay the premiums on said
5 policy and keep the said policy in full force and effect until
6 the obligation to pay support shall end, all in accordance with
7 the provisions of ORS 107.82C.

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Respondent
9 is ordered to maintain for the benefit of the minor children of
10 the parties throughout their minority medical and health
11 insurance benefits, during the minority of the children of the
12 parties hereto. In addition, Respondent shall be responsible to
13 pay all uninsured medical and health care costs of the minor
14 children incurred before September 1, 1990. Thereafter,
15 Petitioner and Respondent shall each be responsible for one-half
16 of any uninsured medical or health care costs.

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Petitioner
18 is awarded any and all interest in that certain real property
19 located in the County of Klamath, State of Oregon, legally
20 described on Exhibit "C" attached hereto and incorporated herein
21 as if fully set forth, subject to the presently existing
22 encumbrances thereon, including but not limited to a certain
23 obligation owing to the Oregon State Department of Veterans'
24 Affairs, which Petitioner shall be required to pay, and hold
25 Respondent harmless therefrom.

26 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Respondent
27 is awarded any and all interest in that certain real property
28 located in the County of Klamath, State of Oregon, legally

9B/11F - JUDGMENT OF DISSOLUTION OF MARRIAGE - Page 4

1 described on Exhibit "D" attached hereto and incorporated herein
2 as if fully set forth, subject to the presently existing
3 encumbrances thereon, including, but not limited to a certain
4 vendor's contractual obligation owing to Swetland, Otteman, et
5 al, which Respondent shall be required to pay, and to hold
6 Petitioner harmless therefrom.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
8 personal property of the parties is awarded as follows:

9 A. TO PETITIONER:

10 1. 1978 Chevrolet Stationwagon, bearing Oregon License
11 No. KTQ923 and VIN No. IN35L8J256673, subject to any encumbrance
12 owing thereon.

13 2. A certain individual retirement account presently
14 maintained at First Interstate Bank, presently held in
15 Petitioner's name.

16 3. All personal property, furniture, fixtures, gifts,
17 tokens, and mementos presently in the possession of the
18 Petitioner, subject to any encumbrance owing thereon.

19 B. TO RESPONDENT:

20 1. All of those certain equipment items and business
21 assets utilized by the Respondent in operation of a business
22 generally known as "Tom Ayres General Contracting", including but
23 not limited to those certain items more fully set forth on
24 Exhibit "B", attached hereto and by this reference incorporated
25 herein as if fully set forth.

26 2. A certain 1985 Ford F-250 Pickup Truck bearing
27 Oregon License No. JVM343, and Serial No. 1FTEF2645FPA11959,
28 subject to the encumbrance owing thereon.

9B/11F - JUDGMENT OF DISSOLUTION OF MARRIAGE - Page 5

1 3. A certain individual retirement account presently
2 maintained at First Interstate Bank, presently held in
3 Respondent's name.

4 4. All personal property, furniture, fixtures, tools,
5 power tools, gifts, tokens, and mementos presently in the
6 possession of the Respondent.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Petitioner
8 is required and ordered to pay those certain family obligations
9 and hold Respondent harmless therefrom as follows:

- 10 A. The obligation owing on the Petitioner's Visa
11 card, incurred on or after February 1, 1988; and
12 B. Any obligation owing for utilities on the
13 residence of the parties.

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Respondent
15 is required and ordered to pay those certain family obligations
16 and hold Petitioner harmless therefrom, as follows:

- 17 A. The obligation owing to Emporium Department Store
18 which has been paid.
19 B. The obligation owing to Sears Roebuck & Co, which
20 has been paid.
21 C. The obligation owing to Montgomery Ward & Co.,
22 which has been paid.
23 D. The obligation owing to Dr. Carson Kendall, DDS,
24 which has been paid.
25 E. The obligation owing to First Interstate Bank
26 (the solar loan).
27 F. The obligation owing to Klamath County for
28 personal property taxes.
29 G. The obligation owing on Petitioner's Visa card as
30 February 1, 1988.
31 H. The obligation owing on a certain loan secured by
32 loan as against cash value of a life insurance
33 policy with New York Life Insurance (referred to
34 on Exhibit "B" herein).
35 I. Those certain business obligations set forth on
36 Exhibit "B", attached hereto and incorporated
37 herein by reference as if fully set forth.

38 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, in order
39 to equalize the property division as between the parties,
40 9B/11F - JUDGMENT OF DISSOLUTION OF MARRIAGE - Page 6

1 Respondent is to pay to Petitioner the sum of \$19,250.00, which
2 sum shall be payable to Petitioner as follows:

3 A. Respondent shall be required to pay an initial
4 lump sum payment in the amount of \$9,625.00, such payment to be
5 due and payable on or before October 1, 1988, receipt of which
6 payments is acknowledged by Petitioner; and

7 B. The remaining principal balance in the amount of
8 \$9,625.00 shall be payable on a quarterly basis, such quarterly
9 payments to be in the amount of \$2,000.00, the first of such
10 quarterly payments to be due and payable the 1st day of January,
11 1989, with a further and like payment due the 1st day of each
12 third month thereafter (without interest) until fully paid.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each of the
14 parties shall be responsible for their individual attorney's fees
15 and costs incurred herein (there having been heretofore entered
16 herein a certain Temporary Order whereby Respondent was required
17 to pay certain sums as and for Petitioner's temporary attorney's
18 fees. Toward the said sums totaling \$1,000.00 of Petitioner's
19 temporary attorney's fees, there remains owing no monies.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant
21 to law, the relevant data sheet attached hereto as Exhibit "A" is
22 incorporated by reference and made a part of this Judgment and
23 Decree of Dissolution of Marriage.

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, that
25 pursuant to the stipulation of the parties, the parties shall
26 file joint Internal Revenue Service and Oregon Department of
27 Revenue tax returns for the tax year ending December 31, 1988.
28 Further, pursuant to the stipulation of the parties, Respondent

9B/11F - JUDGMENT OF DISSOLUTION OF MARRIAGE - Page 7

1 shall be responsible to assume and to pay any tax liability (or
2 to receive any refund due) by virtue of such joint filing.

3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Neal G.
4 Buchanan and Karla J. Knieps are discharged as attorneys of
5 record herein.

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each of the
7 parties shall notify the Clerk of the Court or the Department of
8 Human Resources (as appropriate) in writing of any change in the
9 home or business address of that person within ten (10) days
10 after such change in accordance with ORS 25.040.

11 DATED this 12 day of January, 1989.

[Signature]

CIRCUIT COURT JUDGE

13 APPROVED AS TO FORM:

14 *[Signature]*
15 Mary Elizabeth Ayres

16 *[Signature]*
17 Thomas Arthur Ayres

18 *[Signature]*
19 Neal G. Buchanan,
Attorney for Respondent

20 *[Signature]*
21 Karla J. Knieps
Attorney for Petitioner

22 STATE OF OREGON)

23 County of Klamath)

24 I, LYN G. HARDY Clerk of the Circuit Court of the County of Klamath
25 Oregon do hereby certify that the foregoing copy has been
26 compared with the original, and that it is a transcript therefrom, and
27 the same appears on file or of record in my
28 office and custody.



HEREOF, I have hereunto set my hand and affixed
this 13 day of Jan A.D. 1989
LYN G. HARDY, Clerk of Court
By *[Signature]*

1-12-89
NEAL G. BUCHANAN
ATTORNEY AT LAW
FIRST INTERSTATE
BANK BLDG.
601 MAIN STREET
SUITE 215
KLAMATH FALLS,
OREGON 97601-6007
303/862-6607

**OREGON DEPARTMENT OF HUMAN RESOURCES
HEALTH DIVISION
Vital Records Unit**

1084

CO. FILE NO. 88-46-DI

**RECORD OF DISSOLUTION
OF MARRIAGE, OR ANNULMENT**

136-

State File Number

TYPE OR PRINT PLAINLY IN BLACK INK

1. HUSBAND'S NAME (First, Middle, Last) THOMAS ARTHUR AYRES			
HUSBAND 2. RESIDENCE OR LEGAL ADDRESS P.O.Box 1209		CITY OR TOWN Klamath Falls	
3. SOCIAL SECURITY NUMBER (Optional) 569-72-5812		4. BIRTHPLACE (State or Foreign Country) Oakland, California	
5a. WIFE'S NAME (First, Middle, Last) MARY ELIZABETH AYRES		5. DATE OF BIRTH (Month, Day, Year) 9/29/48	
7. FORMER LEGAL NAMES (IF ANY) None		8b. MAIDEN SURNAME COLE	
WIFE 8. RESIDENCE OR LEGAL ADDRESS 4941 Highway 39		CITY OR TOWN Klamath Falls	
9. SOCIAL SECURITY NUMBER (Optional) 567-76-5695		10. BIRTHPLACE (State or Foreign Country) Modesto, California	
12a. PLACE OF THIS MARRIAGE—CITY, TOWN OR LOCATION Modesto		12c. STATE OR FOREIGN COUNTRY California	
14. DATE COUPLE LAST RESIDED IN SAME HOUSEHOLD (Month, Day, Year) 2/3/88		15. NUMBER OF CHILDREN UNDER 18 IN THIS HOUSEHOLD AS OF THE DATE IN ITEM 14. Number <u>three</u> <input type="checkbox"/> None	
17a. NAME OF PETITIONER'S ATTORNEY (Type/Print) Karla J. Kneips		17b. ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) 635 Main St. Klamath Falls, OR 97601	
18a. NAME OF RESPONDENT'S ATTORNEY (Type/Print) Neal G. Buchanan		18b. ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) 601 Main St., Suite 215 Klamath Falls, OR 97601	
19. I CERTIFY THAT THE MARRIAGE OF THE ABOVE NAMED PERSONS WAS DISSOLVED ON: (Month, Day, Year)		20. TYPE OF DECREE DISSOLUTION OF MARRIAGE <input type="checkbox"/> ANNULMENT <input type="checkbox"/>	
22. NUMBER OF CHILDREN UNDER 18 WHOSE PHYSICAL CUSTODY WAS AWARDED TO: Husband _____ Wife _____ Joint (Husband/Wife) _____ Other _____ <input type="checkbox"/> No children		21. DATE DECREE BECOMES EFFECTIVE (Month, Day, Year)	
25. SIGNATURE OF COURT OFFICIAL		26. TITLE OF COURT OFFICIAL	
27. DATE SIGNED (Month, Day, Year)			

CONFIDENTIAL INFORMATION. THE INFORMATION BELOW WILL NOT APPEAR ON CERTIFIED COPIES OF THE RECORD.

28. NUMBER OF THIS MARRIAGE—First, Second, etc. (Specify below)	29. IF PREVIOUSLY MARRIED, LAST MARRIAGE ENDED		30. RACE—American Indian, Black, White, etc. (Specify below)	31. EDUCATION (Specify only highest grade completed)	
	By Death, Divorce, Dissolution, or Annulment (Specify below)	Date (Month, Day, Year)		Elementary/Secondary (0-12)	College (1-4 or 5+)
HUSBAND 28a. First	29a.	29b.	30a. White	31a.	6
WIFE 28b. First	29c.	29d.	30b. White	31b.	2

ORIGINAL—VITAL RECORDS COPY

EXHIBIT A

EXHIBIT "B"
BUSINESS ASSETS AND LIABILITIES TO RESPONDENT
AYRES and AYRES, CASE NO: 88-49-DI

1. 1974 John Deere 690B Excavator w/36" Bucket, subject to the encumbrance thereon owing to First Interstate Bank which Respondent is ordered to pay and to hold Petitioner harmless therefrom.
2. Excavator bucket - 60"
3. Case 680G Backhoe
4. Case 450 Dozer
5. Case 584C 4000# Forklift
6. Vermeer T-600B Trencher
7. IHC 4300 Truck-Tractor, Oregon License #Y064010, and VIN #43747CYB13502.
8. Columbia 10 yd Dump Box
9. Hyster Vibratory Roller 60"
10. Hobart 220 Welder
11. Jucuzzi Air compressor
12. Jucuzzi Air compressor
13. Wackers - 2 ea.
14. Freuhauf 35T Lowboy.
15. 1972 26' Prowler Camp Trailer
16. Any interest of the parties in a certain New York Life insurance policy on the life of the Respondent, subject to the loan obligation owing thereon, referred to hereinbefore, which Respondent is to pay and to hold Petitioner harmless therefrom.

17. All notes, accounts, and other choses in action receivable.
18. All cash on hand and monies in business account.
19. All pre-paid insurance, subject to any amounts owing thereon by virtue of employment compensation audits, workers' compensation audits, or other obligations.
20. NOTE: Respondent is further ordered and required to pay all business accounts payable, including but not limited to unpaid taxes and interest on personal property, Workers' Compensation insurance coverage, office supply obligations, parts and service vendors, and other obligations arising from out of Respondent's operation of the business referred to herein.

Parcel 1:

A tract of land situated in the SW1/4 of Section 18, Township 37 South, Range 10 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at a 5/8 inch iron pin on the East right of way line of State Highway No. 39 (Klamath Falls-Merrill Highway), said point being located South a distance of 1326.66 feet and East a distance of 29.61 feet from the bolt purportedly marking the Southwest corner of Section 7, Township 39 S., R. 10 E.W.M., as set and shown by record of survey No. 1018 filed in the office of the Klamath County Surveyor, said beginning point also being North a distance of 3989.91 feet and East a distance of 9.80 feet from the iron pin marking the Southwest corner of Section 18, Township 39 S., R. 10 E.W.M.; thence N 89°47'40" E along the westerly extension of an old existing fence line and along said fence line 1001.20 feet; thence South 293.25 feet; thence N 70°49'32" E 102.63 feet to a point on the arc of a 50 foot radius curve; thence Southeasterly along the arc of said curve (central angle = 102°21'44") 90.25 feet; thence S 31°36'12" E 104.55 feet; thence S 65°48'00" W 10.00 feet; thence S 24°12'00" E 180.00 feet; thence S 65°48'00" W 91.43 feet to the beginning of a curve; thence along the arc of said curve to the left (central angle = 42°41'30" and radius = 135.77 feet) 101.16 feet; thence S 23°06'30" W 74.72 feet; thence along the arc of a curve to the right (central angle = 113°45'00" and radius = 100 feet) 179.53 feet; thence N 43°08'30" W 185.00 feet to the True Point of Beginning of this description; thence N 46°51'30" E 118.75 feet; thence N 43°08'30" W 49.88 feet; thence on the arc of a curve to the left (central angle = 16°33'45" and radius = 220 feet) 63.60 feet; thence S 30°17'45" W 114.36 feet; thence S 43°08'30" E 80.00 feet to the True Point of Beginning of this description.

PARCEL 2:

A tract of land situated in the SW1/4 of Section 18, Township 37 South, Range 10 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at a 5/8 inch iron pin on the East right of way line of State Highway No. 39 (Klamath Falls-Merrill Highway), said point being located South a distance of 1326.66 feet and East a distance of 29.61 feet from the bolt purportedly marking the Southwest corner of Section 7, Township 39 S.R. 10 E.W.M., as set and shown by record of survey No. 1018 filed in the office of the Klamath County Surveyor, said beginning point also being North a distance of 3989.91 feet and East a distance of 9.80 feet from the iron pin marking the Southwest corner of Section 18, T. 39 S.R. 10 E.W.M.; thence N 89°47'40" E along the westerly extension of an old existing fence line and along said fence line 1001.20 feet; thence South 293.25 feet; thence N 70°49'32" E 102.63 feet to a point on the arc of a 50 foot radius curve; thence Southeasterly along the arc of said curve (central angle = 102°21'44") 90.25 feet; thence S 31°36'12" E 104.55 feet; thence S 65°48'00" W 10.00 feet; thence S 24°12'00" E 180.00 feet; thence S 65°48'00" W 91.43 feet to the beginning of a curve; thence along the arc of said curve to the left (central angle = 42°41'30" and radius = 135.77 feet) 101.16 feet; thence S 23°06'30" W 74.72 feet; thence along the arc of a curve to the right (central angle = 113°45'00" and radius = 100 feet) 179.53 feet; thence N 43°08'30" W 263.00 feet to the True Point of Beginning of this description; thence continuing N 43°08'30" W 74.64 feet; thence N 65°09'30" W 116.01 feet; thence N 60°16'00" W 25.21 feet; thence N 89°47'40" E 102.33 feet; thence along the arc of a curve to the right (central angle = 30°30'05" and radius = 220.00 feet) 117.11 feet; thence S 30°17'45" W 114.36 feet to the True Point of Beginning of this description, containing 0.32 acre, more or less.

EXHIBIT

A tract of land situated in the S 1/2 NW 1/4, Section 18, Township 39 N., Range 10 E. W. M., more particularly described as follows: Beginning at the Northwest corner of said Section 18; thence S. 00° 01' 10" W. 1328.73 feet to the Northwest corner of said S 1/2 NW 1/4; thence S. 89° 59' 04" E., along the North line of said S 1/2 NW 1/4, 94.42 feet to the true point of beginning of this description; thence continuing on said North line, S. 89° 59' 04" E., 1446.73 feet; thence S. 03° 17' 26" E. 133.80 feet; thence along the arc of a curve to the right (central angle = 69° 18' 42" and radius = 400 feet) 483.89 feet; thence S. 86° 01' 16" W. 144.49 feet; thence along the arc of a curve to the right (central angle = 71° 03' 38" and radius = 203.06 feet) 254.32 feet; thence N. 42° 53' 14" W. 81.00 feet; thence along the arc of a curve to the left (central angle = 47° 03' 50" and radius = 220.00 feet) 180.71 feet; thence N. 89° 59' 04" W. 102.35 feet; thence S. 00° 02' 42" E. 23.21 feet; thence N. 64° 54' 14" W. 283.79 feet; thence N. 79° 13' 44" W. 136.41 feet; thence along the arc of a curve to the right (central angle = 20° 13' 38" and radius = 380.00 feet) 134.14 feet; thence N. 59° 00' 14" W. 161.63 feet to a point on the easterly right of way line of State Highway No. 39; thence N. 09° 02' 42" W., along said easterly right of way line, 44.61 feet; thence S. 89° 59' 04" E. 70.00 feet; thence N. 00° 02' 42" W. 160.00 feet to the true point of beginning of this description, containing 14.43 acres more or less, EXCLUDING that parcel of land described in Deed Volume M-66, page 1301, as recorded in the office of the Klamath County Clerk. The bearings of the above-described tract of land are based on recorded Survey No. 2034, as recorded in the office of the Klamath County Surveyor. TOGETHER WITH a perpetual and non-exclusive easement for access to and across from the above-described property along and upon the following-described strip of land: A 60-foot strip of land situated in the N 1/2, Section 18, Township 39 N., Range 10 E. W. M., being 30 feet on either side of, measured at right angles from, the following-described centerline: Beginning at a point on the easterly right of way line of State Highway 39, said point being South 00° 01' 10" West 2162.47 feet and South 89° 51' 42" East 23.31 feet from the Northwest corner of said Section 18; thence South 89° 51' 42" East 599.83 feet; thence North 00° 02' 42" West 439.32 feet. Sellers, for themselves, their personal representatives successors and assigns, reserve the following rights of way and easements across and upon the above-described real property, to-wit: 60 feet lying 30 feet on either side of the following described centerline: Beginning at a point on the easterly right of way line of State Highway 39; said point being S. 00° 01' 10" W., 2162.47 feet and S. 89° 51' 42" E. 23.31 feet to the Northwest corner of Section 18, Township 39 N., Range 10 E. W. M.; thence continuing S. 89° 51' 42" E. 599.83 feet; thence N. 00° 02' 42" W. 439.32 feet to the true point of beginning; thence S. 89° 59' 04" E. 132.28 feet; thence on the arc of a curve to the right (radius = 230.00 feet, central angle = 47° 03' 50") 203.35 feet; thence S. 42° 53' 14" E. 81.00 feet; thence on the arc of a curve to the left (radius = 173.06 feet, central angle = 71° 03' 38") 217.11 feet; thence N. 66° 01' 16" E. 144.49 feet; thence on the arc of a curve to the left (radius = 370.00 feet, central angle = 69° 18' 42") 447.68 feet; thence N. 03° 17' 26" E. 137.53 feet to the North line of the S 1/2 NW 1/4, said Section 18.

A strip of land situated in the SW 1/4 NW 1/4, Section 18, Township 39 N., Range 10 E. W. M., said strip of land being 50 feet in width, measured 25 feet each side of and at right angles to the following described centerline: Beginning at a 3/8 inch iron pin on the East right of way line of State Highway No. 39 (Klamath Falls-Merrill Highway), said point located South a distance of 1326.46 feet and East a distance of 29.61 feet from the bolt purportedly marking the Southwest corner of Section 7, Township 39 N., Range 10 E. W. M., as set and shown by record of Survey No. 1018 filed in the office of the Klamath County Surveyor, said beginning point also being North a distance of 3989.91 feet and East a distance of 8.80 feet from the iron pin marking the Southwest corner of Section 18, Township 39 N., Range 10 E. W. M.; thence N. 89° 47' 40" E. along the westerly extension of an old existing fence line and along said fence line a distance of 1001.20 feet; thence South a distance of 293.23 feet to a one-half inch iron pin; thence N. 70° 49' 32" E. a distance of 132.63 feet to the true point of beginning; thence N. 00° 12' 20" West a distance of 98.62 feet; thence S. 89° 47' 40" W. a distance of 479.81 feet; thence on the arc of a curve to the left (central angle is 90° 03' 40") (radius is 94.91 feet) a distance of 149.19 feet; thence S. 00° 16' 00" E. a distance of 124.34 feet.

EXHIBIT D

Rel:

Giacomini & Knieps
Attorneys at Law
635 Main Street
Klamath Falls, Oregon 97601

STATE OF OREGON)
County of Klamath)
I, LYN G. HARDY, Clerk of the Circuit Court of the County of Klamath,
and the State of Oregon, do hereby certify that the foregoing has been
filed with the original, and that the same appears on file and is recorded in my
office of the County Clerk of the County of Klamath, Oregon, and
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
the seal of said Court, this 17th day of January, A.D. 1989.
LYN G. HARDY, Clerk of Court
By [Signature]

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Giacomini & Knieps the 18th day
of Jan. A.D., 19 89 at 4:06 o'clock P. M., and duly recorded in Vol. M89
of Deeds on Page 1076

FEE \$73.00

Evelyn Blehn County Clerk
By [Signature]