

## NOTICE OF PENDENCY OF AN ACTION

Pursuant to ORS 93.740, the undersigned states:

1. As plaintiff, Charles J. Post has filed an action in the Circuit Court for Deschutes County, State of Oregon.
2. The defendants are Leroy Neil Dalebout, Jeannette L. Thompson, and William T. Turner.
3. The object of the action is a claim for Declaratory Judgment.
4. The description of the real property to be affected is attached as Exhibit A.

DATED this 1st day of September, 1989.

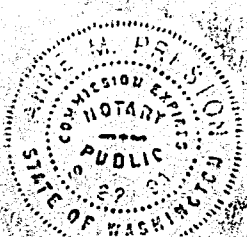
TOLLEFSEN & COMPANY P.C.

*Robert A. Kaye*  
ROBERT A. KAYE, OSB #88065  
Of Attorneys for Defendant

Ref: Robert A. Kaye, OSB #88065  
TOLLEFSEN & COMPANY P.C.  
12323 SW 66th, Suite 400  
Portland, OR 97223  
(503) 224-4200

STATE OF WASHINGTON )  
County of Snohomish )ss:

The foregoing instrument was acknowledged before me this 1st day of September, 1989 by Robert A. Kaye



*Anne M. Preston*  
NOTARY PUBLIC for Washington  
My Commission Expires: 9/22/91

## EXHIBIT "A" DESCRIPTION

## PARCEL 1

A tract of land situated in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 21, Township 27 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at an iron pin on the Easterly right of way line of the Dalles-California Highway which lies South  $19^{\circ}24'$  East a distance of 649.2 feet from the Southwest corner of Block 8 of Chemult, Oregon, and running thence continuing South  $19^{\circ}24'$  East along the Easterly right of way line of the Dalles-California Highway a distance of 242.4 feet to an iron pin; thence North  $70^{\circ}36'$  East 330 feet to an iron pin on the Westerly right of way line of the S. P. R. R., which pin is also on the forty line; thence North  $20^{\circ}54'$  West along the Westerly right of way line of the S. P. R. R., a distance of 242.4 feet to an iron pin; thence South  $70^{\circ}36'$  West a distance of 325.6 feet more or less, to the point of beginning, said tract being in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21, Township 27 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

## PARCEL 2

A tract of land situated in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 21, Township 27 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point on the Easterly right of way line of the Dalles-California Highway, which lies South  $19^{\circ}24'$  East a distance of 1068.4 feet from the Southwest corner of Block 8, CHEMULT; thence following an arc of a  $03^{\circ}04'$  curve to the left a distance of 23.2 feet to the true point of beginning of the tract herein described; thence continuing on the arc to a  $03^{\circ}04'$  curve to the left a distance of 281.1 feet to a point; thence South  $28^{\circ}43'$  East a distance of 26 feet, more or less, to the South line of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section, Township and Range; thence East along said South line a distance of 124.2 feet more or less, to the Southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section, Township and Range; thence North along the East line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$  363 feet to a point; thence South  $70^{\circ}36'$  West 261.5 feet, more or less to the true point of beginning.

## PARCEL 3

A parcel of land lying in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 28, Township 27 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon and being a portion of that property described in that deed to the State of Oregon, by and through its State Highway Commission, recorded in Book 268, page 143 of Klamath County Record of Deeds; the said parcel being described as follows:

(CONTINUED)

Beginning on the Northerly line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$  at a point 66.96 feet Northeasterly of (when measured at right angles to) the center line of the Dalles-California Highway, said point being 125.78 feet westerly of (when measured along said Northerly line) the Northeast corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence Southeasterly parallel with said center line to a point opposite Engineer's Station 732 + 32.60; thence Northeasterly at right angles to said center line 93.04 feet to the Easterly line of said property; thence Northwesterly along said Easterly line to said Northerly line; thence Westerly along said Northerly line to the point of beginning.

PARCEL 4

A tract of land situated in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 21, Township 27 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at an iron pin on the Easterly right of way line of the Dalles-California Highway which lies South 19°24' East a distance of 891 feet from the Southwest corner of Block 8 of Chemult, Oregon, and running thence; continuing South 19°24' East along the Easterly right of way line of the Dalles-California Highway a distance of 176.8 feet and thence following the arc of a 304' curve to the left a distance of 23.2 feet to an iron pin on the Easterly right of way line of the Dalles-California Highway; thence North 70°36' East a distance of 261.5 feet to an iron pin on the forty line; thence North 0°32' West along the forty line a distance of 211.4 feet to an iron pin on the Westerly right of way line of the S. P. R. R.; thence South 70°36' West a distance of 330 feet more or less to the point of beginning, being in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21, Township 27 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING FROM the above described parcels all mineral rights as reserved by Deeds recorded in Volume 105, page 177 and Volume 135, page 269, Deed Records Of Klamath County, Oregon.

PARCEL 5

A parcel within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21, Township 27 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 21; thence North 00°00'31" East, 564.73 feet to a point on the Western right-of-way of the Southern Pacific Railroad; thence Southeasterly along said Western right of way, 599.8 feet to the South line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 21; thence South 89°35'33" West along said South line 206.26 feet to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the \_\_\_\_th \_\_\_\_ day  
of September A.D., 19 89 at 11:50 o'clock A. M., and duly recorded in Vol. M89  
of Mortgages on Page 17007.

FEE \$18.00

EVELYN BIEHN .County Clerk

By

*Richard A. Milender*