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

B N B DRIVE INNS, INC.,

Plaintiff,

vs

THOMAS J. BAILEY, et. al.

Defendants.

Case No. 8900385CV

FINAL  
JUDGMENT AND DECREE  
OF STRICT FORECLOSURE

It appearing to the Court that on ~~June 15~~<sup>September 18</sup>, 1989, made and entered herein its Interlocutory Decree, requiring the Defendant to pay to Plaintiff, through the Clerk of the Court, certain sums of money within (1) day from the date of the Interlocutory Decree, or otherwise be foreclosed of all interest in the real and person property described therein and to the money previously paid by Defendant on the purchase price; and

It further appearing to the Court that Defendants have failed to pay such money, and that the time for doing so has expired, Plaintiff is now entitled to a Final Decree of Strict Foreclosure, and the Court being fully advised in the premises, now, therefore,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Defendants, and each of them, and any persons claiming through or under Defendants, or any of them, are

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forever foreclosed of all interest in the following described  
real property:

1 All of lot 24 in Block 3, FIRST ADDITION TO  
2 ALTAMONT ACRES, according to the official plat  
3 thereof on file in the office of the County  
4 Clerk of Klamath County, Oregon, EXCEPTING  
5 THEREFROM the Westerly 95 feet of the Easterly  
6 205 feet, ALSO EXCEPTING THEREFROM the  
7 Southerly 5 feet taken by Klamath County for  
8 the widening of Delaware Street in Deed Volume  
9 348 at page 471, Deed Records of Klamath  
10 County, Oregon;

11 together with the following personal property:

12 Sink  
13 Ice Machine  
14 Fire Extinguisher  
15 Hood, fan and fire system  
16 2 door Refrigerator  
17 Hot water heater  
18 Walkin cooler  
19 Bathroom fixtures  
20 Upright Freezer  
21 Relish bar  
22 Fryers, stand and baskets  
23 Dumpster  
24 Grill and stand  
25 Air Conditioner/Swamp Cooler  
26 Drapes and drap rods

16 Defendant Bailey shall take all remaining personal property  
17 free and clear of any interest of the Plaintiff, but subject  
18 to any interest of any other party herein. Defendants shall  
19 remove such property within one week of the date of this  
20 Judgment and Decree and shall do so without damaging  
21 Plaintiff's property. Any property not removed within one  
22 week shall be deemed abandoned by all Defendants herein and  
23 Plaintiff may dispose of such property as it deems appropriate  
24 without consideration of any interest of any Defendant. The  
25 sums previously paid by Defendants to Plaintiff on the  
26

contract shall belong to the Plaintiff, free of all right or claim of the Defendants; that Plaintiff be put into immediate possession of the property; and that no attorney fees or costs shall be assessed against any party herein.

2. That this decree shall stand as a cancellation of the contract.

DATED this 22 day of September, 1989.

*Ruth Perry*  
CIRCUIT COURT JUDGE

STATE OF OREGON )

County of Klamath )

I, LYN G. HARDY Clerk of the Circuit Court of the County of Klamath, do hereby certify that the foregoing copy has been compared with the original, and that it is a transcript therefrom, and is a true and correct copy of the whole of such original as the same appears on file or of record in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 22 day of Sept A.D. 19 89

LYN G. HARDY Clerk of Court



*A + W Drive In*  
*1850 Main St.*  
*K. Fell - Ore*  
*97601*

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 6th day  
of Oct. A.D., 19 89 at 11:22 o'clock A.M., and duly recorded in Vol. M89  
of \_\_\_\_\_ Deeds \_\_\_\_\_ on Page 18942.

FEE \$18.00

Evelyn Biehn - County Clerk

By *Paulene Mullendore*