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 Vol. m89 Page 19466

CIRCUIT COURT OF OREGON

KLAMATH COUNTY

 RETURN TO
 OREGON STATE HIGHWAY DIVISION
 RIGHT OF WAY SECTION
 417 TRANSPORTATION BLDG.
 SALEM, OREGON 97310

 1
 2
 3 STATE OF OREGON, by and
 4 through its Department of
 Transportation,

5 Plaintiff,

6 v.

No. 88-133CV

STIPULATED FINAL JUDGMENT

 7 ARCHIE DALLAS CUMMINGS and
 8 BARBARA JEAN CUMMINGS, husband
 and wife; STATE OF OREGON, by
 9 and through the Department of
 Veterans' Affairs; and MIKE
 NEGREVSKI,
10 Defendants.
11

STIPULATED FINAL JUDGMENT

 12
 13 The above-entitled matter having come on regularly upon
 14 stipulation of the parties, plaintiff appearing by and through
 15 Robert A. Petersen of its attorneys and defendants Archie
 16 Dallas Cummings and Barbara Jean Cummings, husband and wife,
 17 appearing by and through William M. Ganong, their attorney; and
 18 defendant State of Oregon, by and through the Department of
 19 Veterans' Affairs, appearing by and through Randall C. Jordan,
 20 its attorney; and

 21 It appearing to the court and the court now finds that an
 22 Order of Default has been entered herein against Mike
 23 Negrevski, defendant herein; and

 24 It appearing to the court and the court now finds that the
 25 acquisition described in Paragraph 3 of plaintiff's Complaint
 26 on file herein is necessary for public use; and

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1 It appearing to the court and the court now finds that the
2 plaintiff, prior to the commencement of this action and
3 pursuant to its resolution, attempted to acquire said real
4 property by agreement and purchase, but was unable to do so;
5 and

6 It appearing to the court from the records and files
7 herein and the stipulation of the parties that the sum to be
8 awarded to the defendant for the appropriation of the property
9 hereinafter described is the sum of \$9,000, and

10 It further appearing to the court that plaintiff, on
11 May 12, 1988, deposited with the clerk of this court the sum of
12 \$4,900 for the use and benefit of the defendants; and

13 It further appearing that plaintiff has deposited with the
14 clerk of this court the balance of the amount for the
15 appropriation which is over and above the \$4,900 heretofore
16 deposited, to wit: the sum of \$4,100, plus interest at the
17 rate of 9% per annum from June 13, 1988, the date the plaintiff
18 took possession of the property described herein, to the date
19 of payment, and that plaintiff is now entitled to judgment,
20 appropriating the acquisition hereinafter described, to the
21 State of Oregon, by and through its Department of
22 Transportation, free and clear of all liens and encumbrances
23 except as hereinafter provided; now, therefore,

24 IT IS HEREBY ORDERED, ADJUDGED AND DECREED by this court
25 as follows:

26 ///

1.

That the acquisition hereinafter described be, and the same hereby is, appropriated for public purposes; and title to said acquisition, together with all rights and easements therein, be, and the same hereby is vested in the State of Oregon, by and through its Department of Transportation, free and clear of all and encumbrances, except as herein provided. Said acquisition so appropriated is described as follows:

Title in fee simple to the following described real property for right of way purposes:

PARCEL 1

A parcel of land lying in the NW $\frac{1}{4}$ of Section 7, Township 40 South, Range 10 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Archie Dallas Cummings and Barbara Jean Cummings, recorded in Book M-76, Page 2847 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the center line of the relocated Klamath Falls-Malin Highway which center line is described as follows:

Beginning at Engineer's center line station 489+50, said station being 1395.99 feet North and 5.25 feet East of the S.W. corner of Section 6, Township 40 South, Range 10 East, W.M.; thence South 0° 12' 56" West 1396 feet; thence South 0° 12' 30" East 1454 feet to Engineer's center line Station 518+00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Easterly Side of Center Line
503+50		503+90	75 in a straight line to 55
503+90		509+00	55
509+00		517+50	55 in a straight line to 35

Bearings are based on County Survey
No. 1275, dated June 10, 1968, Klamath
County, Oregon.

The parcel of land to which this
description applies contains 15,635 square
feet, more or less, outside of the existing
right of way.

A permanent easement across the following described
real property for the purpose of constructing,
operating and maintaining irrigation facilities in
connection with the project. Since fee simple title
is not being acquired, any use may be made of the
real property provided that such use shall not inter-
fere with the purpose of this easement. The real
property affected by this easement is described as
follows:

PARCEL 2

A parcel of land lying in the NW $\frac{1}{4}$ of
Section 7, Township 40 South, Range 10
East, W.M., Klamath County, Oregon and
being a portion of that property described
in that deed to Archie Dallas Cummings and
Barbara Jean Cummings, recorded in Book M-
76, Page 2847 of Klamath County Record of
Deeds; the said parcel being that portion
of said property lying Northerly of a line
at right angles to the center line of the
relocated Klamath Falls-Malin Highway at
Engineer's Station 503+90 and included in a
strip of land variable in width, lying on
the Easterly side of said center line which
center line is described in Parcel 1.

The widths in feet of the strip of
land above referred to are as follows:

Station	to	Station	Width on Easterly Side of Center Line
503+50		503+90	75 in a straight line to 70

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 180 square feet, more or less, outside of the existing right of way.

All rights of access of every nature to the right of way of the highway project; except that there shall be no restriction of access to the area described as Parcel 2.

2.

The acquisition is encumbered by and the plaintiff shall take the acquisition subject to the interests of other than the within named defendants in the following encumbrance:

Reservations contained in deed recorded July 3, 1952, in Volume 255, Page 490.

3.

That none of the parties shall recover costs or attorney fees incurred herein.

DATED this 31st day of July, 1989.

151 Robert J. Isaacson
CIRCUIT COURT JUDGE

IT IS SO STIPULATED:

Robert A. Petersen
Of Attorneys for Plaintiff

William M. Garong
Of Attorneys for Defendants
Cummings

William C. Grant
for Randall P. Jordan
Of Attorneys for Defendant
Dept. of Veterans' Affairs

JUDGMENT SUMMARY

JUDGMENT CREDITORS:

Archie Dallas Cummings
Barbara Jean Cummings
Dept. of Veterans' Affairs

ATTORNEYS FOR JUDGMENT CREDITORS:

William M. Ganong (Cummings)
Randall Jordan (Dept V.A.)

JUDGMENT DEBTOR:

Oregon Dept. of Transportation

ATTORNEY FOR JUDGMENT DEBTOR:

Assistant Attorney General
Robert A. Petersen

AMOUNT OF JUDGMENT:

\$ 9,000

AMOUNT OF ATTORNEY FEES:

\$ 0

AMOUNT OF COSTS:

\$ 0

POST-JUDGMENT ACCRUAL INFORMATION:

\$ Interest at the rate of
nine percent per annum on
\$4,100 from June 13, 1988
to date of payment.

Presented and certified to be accurate by:


Robert A. Petersen

Attorney for Plaintiff Dept. of Transportation

4051T/vac

STATE OF OREGON)
County of Klamath)

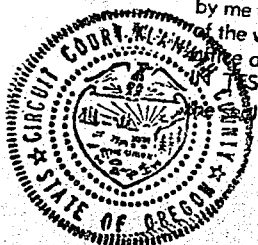
I, LYN G. HARDY Clerk of the Circuit Court of the County of Klamath
and the State of Oregon do hereby certify that the foregoing copy has been
by me compared with the original, and that it is a transcript therefrom, and
of the whole of such original as the same appears on file or of record in my
office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

TESTIMONY WHEREOF, I have hereunto set my hand and affixed
of said Court, this 1st day of August A.D. 1989

LYN G. HARDY

Clerk of Court

By 



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DEPARTMENT OF JUSTICE
JUSTICE BUILDING
SALEM, OREGON 97310
PHONE 378-4400

STATE OF OREGON: COUNTY OF KLAMATH: SS.

Filed for record at request of Oregon Hwy Division
of Oct. A.D., 19 89 at 9:48 o'clock AM., and duly recorded in Vol. M89
of Deeds on Page 19466

FEE \$33.00

Evelyn Biehn County Clerk

By 