

NOTICE OF LIS PENDENS  
(Civil No. 90-6211 JO)

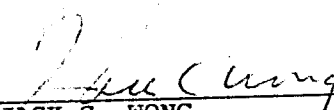
NOTICE IS HEREBY GIVEN that on the 23rd day of May, 1990, the United States of America filed in the United States District Court for the District of Oregon a Declaration of Taking of the estate in the property described in Schedule B attached hereto, and deposited in the registry of said court the estimated just compensation for the taking. On the same day the United States of America filed a Complaint in Condemnation based upon the Declaration of Taking, in condemnation proceedings entitled UNITED STATES OF AMERICA, Plaintiff, versus 94 ACRES OF LAND, MORE OR LESS, and DANGER TREES located in the County of Klamath, State of Oregon; CROWN PACIFIC, LTD., an Oregon Corporation; SCOTT TIMBER CO., an Oregon Corporation; BANKERS TRUST COMPANY, a New York Banking Corporation and Agent for the benefit of Bankers Trust Company, United States National Bank of Oregon, The Bank of Tokyo, Ltd., and Union Bank of Finland, Ltd.; TICOR TITLE INSURANCE COMPANY OF CALIFORNIA, a California Corporation; STEWART TITLE OF OREGON, INC., an Oregon Corporation and Trustee for the benefit of Bankers Trust Company, United States National Bank of Oregon, The Bank of Tokyo, Ltd., and Union Bank of Finland, Ltd.; UNITED STATES NATIONAL BANK OF OREGON, a National Banking Association; FIRST INTERSTATE BANK OF OREGON, a National Banking Corporation; BANK OF TOKYO, LTD., a domestic branch of an extranational Bank; UNION BANK OF FINLAND, LTD., a Finnish Banking Institution; KLAMATH COUNTY, a municipal corporation and

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1 political subdivision of the State of Oregon; and UNKNOWN OWNERS,  
2 Defendants, Civil No. 90-6211 JO, to acquire the described estate  
3 in the property, to determine the just compensation to be paid,  
4 and to distribute the just compensation among those entitled  
5 thereto.

6 DATED this \_\_\_\_\_ day of June, 1990.

7 CHARLES H. TURNER  
8 United States Attorney  
9 District of Oregon

10   
11 JACK C. WONG  
12 First Assistant U.S. Attorney  
13 312 U.S. Courthouse  
14 620 S.W. Main  
15 Portland, OR 97205  
16 (503) 326-2101  
17 Of Attorneys for Plaintiff

## SCHEDULE B

## ESTATE TAKEN:

Transmission Line Easements:

Perpetual easements to construct, maintain, repair, rebuild, replace, operate, and patrol one line of electric power transmission structures with two or more circuits and necessary appurtenances, and the further right to clear the right-of-way hereinafter described, and to keep the same clear of brush, timber, structures, and fire hazards (provided, however, that the words "fire hazards" shall not include annual agricultural crops), and to dispose of such brush, timber, and structures, by sale or other means, in such manner as shall not create a fire hazard over and upon Easement Tracts ALC-4-A-1, ALC-4-A-2, and ALC-11-A-1, as hereinafter described.

Easements for Access:

Perpetual easements for rights-of-way 20 feet wide to improve, use, and maintain existing roadways, together with the right to provide for construction, operation, and maintenance for cuts, fills, ditches, turnouts, and curves over and upon Tracts ALC-4-AR-1, P. 1; ALC-6-AR-1; ALC-6-AR-2; ALC-7-AR-1; ALC-7-AR-2; and ALC-10-AR-1, as hereinafter described; together with the right to dispose of any brush, timber, and structures removed therefrom, by sale or other means, in such manner as shall not create a fire hazard.

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1 Easements for Guys and Anchors:

2 Right to construct, use, rebuild and maintain guys and anchors on  
3 Tracts ALC-4-GA-1; ALC-4-GA-2; ALC-6-GA-1; and ALC-8-GA-1, as hereinafter  
4 described.

5 Danger Tree Rights:

6 Right to fell, limb, and top all trees, brush, and snags as hereinafter  
7 described.

8 Estimated Compensation: \$55,505.00

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ALC-4-A-1

A right-of-way 30 feet wide for the Bonneville Power Administration (BPA) LaPine-Fort Rock No. 1 transmission line, over and across Government Lot 7 and that part of Government Lot 8 lying westerly of the westerly right-of-way line of BPA Tract No. R-KF-63 of the BPA Redmond-Klamath Falls transmission line, in Section 6, Township 23 South, Range 11 East of the Willamette Meridian in Klamath County, Oregon. The easterly boundary of said 30-foot-wide right-of-way is coincident with the westerly boundary line of the existing 125-foot-wide right-of-way of said BPA Redmond-Klamath Falls transmission line, as described in that certain BPA Tract No. R-KF-63, recorded November 29, 1951, in Volume 251, Page 320, Deed Records of said County. Said 30-foot-wide right-of-way is described with reference to the Oregon Coordinate System, South Zone, as follows:

Beginning at a point on the westerly boundary line of the existing BPA Redmond-Klamath Falls transmission line right-of-way in said Government Lot 8, that is 62.5 feet westerly of, when measured at a right angle from said existing Redmond-Klamath Falls transmission line centerline station 4029+08.1; thence N.11°10'44"E. (N.11°10'20"E., Record), along said westerly boundary line to the North line of said Government Lot 7; thence westerly along said North line to a point that is 30 feet westerly of when measured at a right angle with said westerly right-of-way line; thence S.11°10'44"W. parallel with and 30 feet westerly of, when measured at a right angle with said westerly right-of-way line, to a point in said Government Lot 8 that is N.49°48'58"W., 34.3 feet from the point of beginning on said westerly right-of-way line; thence S.49°48'58"E., 34.3 feet to the point of beginning.

ALC-4-A-1 contains 0.8 acre, more or less.

DANGER TREE RIGHTS

ALC-4-A-1DT

Consisting of the right to fell, limb, and top all trees, brush, and snags located on the westerly side of Tract ALC-4-A-1 previously described; which trees, brush, and snags are at the date of Filing the

1 Declaration of Taking in the above-entitled proceeding of such height and  
2 location that they could fall within 26 feet of any conductor of the  
3 LaPine-Fort Rock No. 1 transmission line as proposed to be constructed,  
4 together with the right to engage in any such activity as is reasonably  
5 necessary to exercise these rights, including the right to sell, burn, or  
6 otherwise destroy said trees, brush, and snags; provided, however, that  
7 such rights shall be exercised only in such manner that no fire hazard  
8 shall be created.

9  
10 ALC-4-A-2

11 A right-of-way 75.0 feet wide over and across that part of Government  
12 Lot 8 lying easterly of the easterly right-of-way line of the existing  
13 Bonneville Power Administration Redmond-Klamath Falls transmission line  
14 right-of-way as described in that certain BPA Tract No. R-KF-63, recorded  
15 November 29, 1951, in Volume 251, Page 320, Deed Records of Klamath  
16 County, Oregon, Government Lots 9, 14, 13, 18, and 19 of Section 6,  
17 Government Lots 1, 20, and 19, the W $\frac{1}{2}$ NE $\frac{1}{4}$ , the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and the E $\frac{1}{2}$ SE $\frac{1}{4}$  of  
18 Section 7, the W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 8, the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, the W $\frac{1}{2}$ W $\frac{1}{2}$  of  
19 Section 17, the W $\frac{1}{2}$ W $\frac{1}{2}$  of Section 20, the N $\frac{1}{2}$ NW $\frac{1}{4}$ , the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , the SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
20 the N $\frac{1}{2}$ SE $\frac{1}{4}$ , and the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29, the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 28, the  
21 N $\frac{1}{2}$ NW $\frac{1}{4}$ , the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , the N $\frac{1}{2}$ SE $\frac{1}{4}$ , and the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 33,  
22 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, all in Township 23 South, Range 11 East, of  
23 the Willamette Meridian, Klamath County, Oregon. The boundaries of the  
24 75-foot-wide right-of-way lie 17.5 feet left of and 57.5 feet right of  
25 and parallel with the survey line for the BPA LaPine-Fort Rock No. 1  
26 transmission line which is described with reference to the Oregon  
27 Coordinate System, South Zone, as follows:

28 Beginning at a BPA monument at survey station 4028+43.6 Bk equals  
21+58.4 Ah in said Lot 8 of Section 6, which bears S.14°23'58"E.,

1163.3 feet from the northwest corner of said Section 6 as evidenced by a 2-inch brass cap; thence S.49°48'58"E., 11,371.8 feet to a BPA monument at survey station 135+30.2; thence S.0°09'30"W., 5718.4 feet to a BPA monument at survey station 192+48.6 Bk equals 192+48.5 Ah; thence S.0°27'02"W., 6723.7 feet to survey station 259+72.2 on the South line of said Section 20, a point that is S.89°18'19"E., 142.7 feet from the southwest corner of said Section 20 as evidenced by a 2½-inch brass cap; thence continuing S.0°27'02"W., 40.7 feet to a BPA monument at survey station 260+12.9 Bk equals 260+30.6 Ah; thence S.47°27'25"E., 5279.1 feet to survey station 313+09.7; thence S.47°24'20"E., 8028.2 feet to survey station 393+37.9; thence S.47°21'29"E., 2560.7 feet to a BPA monument at survey station 418+98.6 in the NW¼ of Section 3, in Township 24 South, Range 11 East, of the Willamette Meridian, said County, a point that is S.50°11'26"E., 8530.5 feet from the northwest corner of said Section 33 as evidenced by a 2½-inch brass cap.

ALC-4-A-2 contains 67.8 acres, more or less. BPA monuments are also set at survey stations 67+84.2, 86+66.2, 107+26.4, 144+94.9, 153+00.0, 160+56.0, 161+00.0, 178+50.0, 204+91.9, 228+01.2, 251+36.9, 283+35.5, 293+56.1, 336+34.0, 346+75.1, 366+40.0, 369+97.6, and 402+76.6.

#### DANGER TREE RIGHTS

##### ALC-4-A-2DT

Consisting of the right to fell, limb, and top all trees, brush, and snags located on the northerly, easterly, southerly and westerly sides of Tract ALC-4-A-2, previously described; which trees, brush, and snags are at the date of Filing the Declaration of Taking in the above-entitled proceeding of such height and location that they could fall within 26 feet of any conductor of the LaPine-Fort Rock No. 1 transmission line as proposed to be constructed, together with the right to engage in any such activity as is reasonably necessary to exercise these rights, including the right to sell, burn, or otherwise destroy said trees, brush, and snags; provided, however, that such rights shall be exercised only in such manner that no fire hazard shall be created.

ALC-11-A-1

A right-of-way 75.0 feet wide over and across the N $\frac{1}{2}$ NW $\frac{1}{4}$ , the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , the S $\frac{1}{2}$ NE $\frac{1}{4}$ , the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 3, the W $\frac{1}{2}$ SW $\frac{1}{4}$ , the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , the W $\frac{1}{2}$ NE $\frac{1}{4}$ , the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 11, all in Township 24 South, Range 11 East, of the Willamette Meridian, in Klamath County, Oregon. The boundaries of said right-of-way lie 17.5 feet left of and 57.5 feet right of and parallel with the survey line for the Bonneville Power Administration LaPine-Fort Rock No. 1 transmission line which is described with reference to the Oregon Coordinate System, South Zone, as follows:

Beginning at a BPA monument at survey station 402+76.6 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, in Township 23 South, Range 11 East, of the Willamette Meridian, said County, which bears S.50°51'19"E., 6910.9 feet from the northwest corner of Section 33, Township 23 South, Range 11 East, as evidenced by a 2 $\frac{1}{2}$ -inch brass cap with four bearing trees; thence S.47°21'29"E., 6397.8 feet to a BPA monument at survey station 466+74.4; thence S.47°13'47"E., 3691.1 feet to a BPA monument at survey station 503+65.5; thence S.47°08'40"E., 3591.5 feet to a BPA monument at survey station 539+57.0; thence S.47°04'00"E., 422.6 feet to survey station 543+79.6, a point on the east line of said Section 11, which bears S.0°18'01"W., 543.9 feet from the east one-quarter corner of said Section 11, as evidenced by a 2 $\frac{1}{2}$ -inch brass cap and two bearing trees.

ALC-11-A-1 contains 21.9 acres, more or less. BPA monuments are also set at survey stations 418+98.6, 433+39.2, 459+05.4, 485+16.8, 518+47.3 and 532+50.0.

DANGER TREE RIGHTSALC-11-A-1DT

Consisting of the right to fell, limb, and top all trees, brush, and snags located on the northeasterly and southwesterly sides of Tract ALC-11-A-1 previously described; which trees, brush, and snags are at the date of Filing the Declaration of Taking in the above-entitled proceeding of such height and location that they could fall within 26 feet of any conductor of the LaPine-Fort Rock No. 1 transmission line as proposed to be constructed,



1 together with the right to engage in any such activity as is reasonably  
2 necessary to exercise these rights, including the right to sell, burn, or  
3 otherwise destroy said trees, brush, and snags; provided, however, that such  
4 rights shall be exercised only in such manner that no fire hazard shall be  
5 created.

6 ALC-4-GA-1

7 Three guys with anchors all extending in a northwesterly direction from the  
8 angle structure at BPA transmission line construction station 4028+66.5 Bk  
9 equals 21+69.5 Ah in Government Lot 8 of Section 6, in previously described  
10 Tract ALC-4-A-1. Said guys with anchors to be located not more than 50 feet  
11 outside said Tract ALC-4-A-1.  
12

13 ALC-4-GA-2

14 One guy with anchor extending in a southerly direction from the angle  
15 structure at BPA transmission line construction station 4028+66.5 Bk equals  
16 21+69.5 Ah in Government Lot 8 of Section 6, in previously described  
17 Tract ALC-4-A-1. Said guy with anchor to be located not more than 45 feet  
18 outside said Tract ALC-4-A-1.  
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20 ALC-6-GA-1

21 Two guys with anchors, one extending in a northerly direction and one  
22 extending in a southerly direction from the angle structure at BPA  
23 transmission line construction station 135+20.9 Bk equals 135+39.5 Ah in the  
24 NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8, in previously described Tract ALC-4-A-2. Said guys with  
25 anchors to be located not more than 25 feet outside said Tract ALC-4-A-2.  
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ALC-8-GA-1

Two guys with anchors, one extending in a southerly direction and one extending in a northwesterly direction from the angle structure at BPA transmission line construction station 260+21.8 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 29, in the previously described Tract ALC-4-A-2. Said guys with anchors to be located not more than 25 feet outside said Tract ALC-4-A-2.

ALC-4-AR-1, Parcel 1

A right-of-way 20 feet wide over and along an existing road over and across the S $\frac{1}{2}$ S $\frac{1}{2}$  of Section 1, the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 12, the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 11 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 2, all in Township 23 South, Range 10 East of the Willamette Meridian in Klamath County, Oregon. The right-of-way is located along the centerline of said existing road described as follows:

Beginning at access road station 0+00 which equals centerline station 4059+21 on the existing BPA Redmond-Klamath Falls transmission line, which bears N.9°35'54"W., 1158.5 feet from the southeast corner of said Section 1, evidenced by a stone and 1 Bearing Tree (R-KF 1951); thence S.68°10'W., 168 feet; thence S.83°43'W., 526 feet; thence S.87°46'W., 1098 feet; thence S.80°44'W., 564 feet; thence S.69°36'W., 246 feet; thence S.62°42'W., 1610 feet; thence S.78°25'W., 774 feet; thence N. 82°04'W., 947 feet; thence N.87°17'W., 543 feet; thence N.88°38'W., 1311 feet to access road station 77+87 a point in BLM Road No. 11012, which bears N.88°51'15"W., 5061.6 from the South quarter corner of said Section 1, evidenced by a Post and 1 Bearing Tree (R-KF 1951).

ALC-4-AR-1, Parcel 1 contains 3.0 acres, more or less.

ALC-6-AR-1

A right-of-way 20 feet wide over and along an existing road over and across the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 7 in Township 23 South, Range 11 East of the Willamette Meridian in Klamath County, Oregon. The right-of-way is located along the centerline of said existing road described as follows:

Beginning at access road station 0+00 which equals transmission line survey station 143+90 in said SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8, which bears N.0°09'30"E., 104.9 feet from a BPA monument at transmission line survey station 144+94.9 in Tract ALC-4-A-2 previously described; thence N.87°51'W., 70 feet; thence N.74°21'W., 85 feet to access road station 1+55 a point in USFS Road No. 2210/300, which bears N.49°15'54"W., 199.9 feet from said BPA monument at transmission line survey station 144+94.9.

ALC-6-AR-1 contains 0.1 acre, more or less.

ALC-6-AR-2

A right-of-way 20 feet wide over and along an existing road over and across the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 7 in Township 23 South, Range 11 East of the Willamette Meridian in Klamath County, Oregon. The right-of-way is located along the centerline of said existing road described as follows:

Beginning at access road station 0+00 which equals transmission line survey station 152+90 in said SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8, which bears N.0°09'30"E., 10.0 feet from a BPA monument at transmission line survey station 153+00.0 in Tract ALC-4-A-2 previously described; thence S.71°30'W., 45 feet; thence N.44°00'W., 55 feet to access road station 1+00, a point in USFS road No. 2210/300, which bears N.66°25'12"W., 88.2 feet from said BPA monument at transmission line survey station 153+00.0.

ALC-6-AR-2 contains 0.1 acre, more or less.

ALC-7-AR-1

A right-of-way 20 feet wide over and along an existing road over and across the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 17 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18 in Township 23 South, Range 11 East of the Willamette Meridian in Klamath County, Oregon. The right-of-way is located along the centerline of said existing road described as follows:

Beginning at access road station 0+00 which equals transmission line survey station 165+10 in said NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 17, which bears S.0°09'30"W., 410.0 feet from a BPA monument at transmission line survey station 161+00.0 in tract ALC-4-A-2 previously described;

thence N.73°21'W., 165 feet to access road station 1+65, a point in USFS Road No. 2210/300, which bears S.23°42'15"W., 396.1 feet from said BPA monument at transmission line survey station 161+00.0.

ALC-7-AR-1 contains 0.1 acre, more or less.

ALC-7-AR-2

A right-of-way 20 feet wide over and along an existing road over and across the SW $\frac{1}{4}$  of Section 17 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, in Township 23 South, Range 11 East of the Willamette Meridian in Klamath County, Oregon. The right-of-way is located along the centerline of said existing road described as follows:

Beginning at access road station 0+00 which equals transmission line survey station 175+40 in said SW $\frac{1}{4}$  of Section 17, which bears N.°09'30"E., 310.0 feet from a BPA monument at transmission line survey station 178+50.0 in Tract ALC-4-A-2 previously described; thence N.76°36'W., 70 feet; thence N.56°36'W., 105 feet to access road station 1+75 a point in USFS Road No. 2210/300, which bears N.21°58'15"W., 414.1 feet from said BPA monument at transmission line survey station 178+50.0.

ALC-7-AR-2 contains 0.1 acre, more or less.

ALC-10-AR-1

A right-of-way 20 feet wide over and along an existing road over and across the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33 in Township 23 South, Range 11 East of the Willamette Meridian in Klamath County, Oregon. The right-of-way is located along the centerline of said existing road described as follows:

Beginning at access road station 0+00 which equals transmission line survey station 365+45 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 33 which bears N.47°24'20"W., 95.0 feet from a BPA monument at transmission line survey station 366+40.0 in Tract ALC-4-A-2 previously described, thence S.53°24'E., 375 feet; thence S.32°00'E., 147 feet to access road station 5+22 which equals transmission line survey station 370+60 in said SW $\frac{1}{4}$ NE $\frac{1}{4}$  which bears S.47°24'20"E., 62.4 feet from a BPA monument at transmission line survey station 369+97.6.

ALC-10-AR-1 contains 0.1 acre, more or less.

1 All tracts being subject to:

- 2 (1) The rights of the public in and to all public roads;
- 3 (2) The continued use and maintenance of pipes and conduits, irrigation
- 4 and drainage lines, ditches and canals, and public utility lines;
- 5 (3) The exercise of existing easements and licenses;
- 6 (4) The exercise of existing mineral, coal, oil, gas, and geothermal
- 7 rights; and
- 8 (5) The rights of the owners, their successors or assigns, to make all
- 9 uses of said right-of-way areas not inconsistent with the rights acquired
- 10 herein for transmission line purposes, together with the right to additional
- 11 compensation, outside of the condemnation proceedings and not included in the
- 12 just compensation determined hereunder, for any damage to drainage tile,
- 13 fences or annual agricultural crops (annual agricultural crops do not include
- 14 trees, brush, etc.) on said rights-of-way that occurs as a result of and
- 15 during construction, operation, and maintenance of said electric transmission
- 16 line.

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STATE OF OREGON: COUNTY OF KIAMATH: ss.

Filed for record at request of U. S. Dept. of Justice the 8th day  
of June A.D., 19 90 at 11:59 o'clock AM., and duly recorded in Vol. M90  
of Mortgages on Page 11096.

FEE \$68.00

Evelyn Biehn County Clerk

By *Pauline M. Henderson*

25 / Return: U.S. Dept. of Justice  
26 / U. S. Attorney  
27 / 620 S.W. Main St. #312  
28 / Portland, OR. 97205