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JAN 9 1991  
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ASPEN 34694

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STATE OF OREGON  
KLAMATH CO. DISTRICT COURT

1991 JAN -9 PM 3:33

CLERK OF COURT

BY \_\_\_\_\_

CIRCUIT COURT OF OREGON

KLAMATH COUNTY

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

4 Plaintiff,

5 v.

6 KLAMATH COUNTRY CORNERS, a  
7 California limited partnership;  
8 and UNITED STATES NATIONAL  
9 BANK OF OREGON, a national  
10 banking association,

11 Defendants.

No. 9001489CV

STIPULATED FINAL  
JUDGMENT

12 The above-entitled matter having come on regularly upon  
13 stipulation of the parties, plaintiff appearing by and through  
14 Robert A. Petersen of its attorneys and defendant Klamath  
15 Country Corners appearing by and through Michael L. Brant, its  
16 attorney; and

17 It appearing to the court and the court now finds that an  
18 Order of Default has been entered herein against United States  
19 National Bank of Oregon, defendant herein; and

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

23 It appearing to the court and the court now finds that the  
24 plaintiff, prior to the commencement of this action and  
25 pursuant to its resolution, attempted to acquire said real  
26 property by agreement and purchase, but was unable to do so; and

It appearing to the court from the records and files

Page 1 - STIPULATED FINAL JUDGMENT

1 herein and the stipulation of the parties that the sum to be  
2 awarded to the defendants for the appropriation of the property  
3 hereinafter described is the sum of \$2,500, and

4 It further appearing to the court that plaintiff, on  
5 May 14, 1990 deposited with the clerk of this court the sum of  
6 \$500 for the use and benefit of the defendants; and

7 It further appearing that plaintiff has deposited with the  
8 clerk of this court the balance of the amount for the  
9 appropriation which is over and above the \$500 heretofore  
10 deposited, to wit: the sum of \$2,000, plus interest at the  
11 rate of 9% per annum from May 18, 1990, the date the plaintiff  
12 took possession of the property described herein, to the date  
13 of payment, and that plaintiff is now entitled to judgment,  
14 appropriating the acquisition hereinafter described, to the  
15 State of Oregon, by and through its Department of  
16 Transportation, free and clear of all liens and encumbrances;  
17 now, therefore,

18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED by this court  
19 as follows:  
20

21 1.

22 That the acquisition hereinafter described be, and the  
23 same hereby is, appropriated for public purposes; and title to  
24 said acquisition, together with all rights and easements  
25 therein, be, and the same hereby is vested in the State of  
26 Oregon, by and through its Department of Transportation, free

Page 2 - STIPULATED FINAL JUDGMENT

and clear of all liens and encumbrances. Said acquisition so appropriated is described on the attached Exhibit A.

The use to be made of each parcel is as follows:

All abutter's rights of access to, from and between the The Dalles-California Highway and the property described as Parcel 1, and to the east side of the Crater Lake Highway south of the north line of Lot 34, EXCEPT, however;

Reserving access rights, for the service of defendants' remaining property, to and from said remaining property to the Crater Lake highway at the following place, in the following width:


Hwy. Engr's Sta.	Side of Hwy.	Width
1294+35	Easterly	35'
1299+25	Easterly	35'

All abutter's rights of access to, from and between the right of way of the highway project and the property described as Parcel 2, and to the west side of the Crater Lake Highway from defendants' remaining property south of the south line of Lot 34.

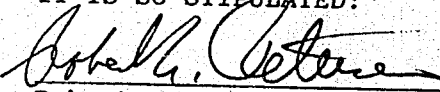
2.

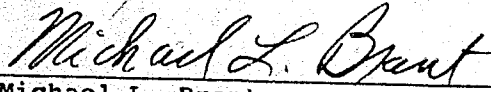
That none of the parties shall recover costs or attorney fees incurred herein.

DATED this 14 day of January, 1991.

  
CIRCUIT COURT JUDGE

IT IS SO STIPULATED:

  
Robert A. Petersen  
Of Attorneys for Plaintiff

  
Michael L. Brant  
Of Attorneys for Defendant

8674T/dsk

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0011

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**EXHIBIT A**

File 58106  
Fred W. Koehler, Jr. and Alex D.  
Krentel, doing business as  
Klamath County Corners  
RDS 11-3-88 9B-31-21

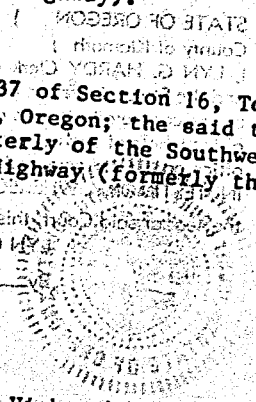
Survey Approval Project  
Section: Forge Rd.-Lobert Rd. (South Unit)  
Highway: The Dalles-California  
Throughway

**PARCEL 1 - Access Only**

A tract of land lying in Lots 33 and 34 of Section 16, Township 35 South, Range 7 East, W.M., Klamath County, Oregon; the said tract being that portion of said lots lying Westerly of the Westerly right of way line of the relocated the Dalles-California Highway and Northeasterly of the Northeasterly right of way line of the relocated Crater Lake Highway (formerly the old The Dalles-California Highway).

**PARCEL 2 - Access Only**

A tract of land lying in Lot 37 of Section 16, Township 35 South, Range 7 East, W.M., Klamath County, Oregon; the said tract being that portion of said lot lying Southwesterly of the Southwesterly right of way line of the relocated Crater Lake Highway (formerly the old The Dalles-California Highway).



ael/  
11-9-88

NOTE: Parcels 1 and 2 Access Controlled (to Highway).

1133


1140

00182 6119  
Fred W. Koshlitz, 1st and Alex D.  
Klamath County Courthouse  
Klamath Falls, Oregon  
97603-11-11

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

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 true and correct  
copy of the original as the same appears on file and of record in my  
office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
this 9 day of Jan A.D. 1991  
LYN G. HARDY Clerk of Court



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 17th day  
of Jan. A.D., 19 91 at 11:13 o'clock A M., and duly recorded in Vol. M91  
of Co. Lien Docket on Page 1136

FEE \$25.00

Evelyn Biehn County Clerk  
By Ruthie Mullender

Return: ATC