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CLERK OF COURT

BY _____

CIRCUIT COURT OF OREGON

KLAMATH COUNTY

24924

25147

ASPEN 34694

STATE OF OREGON, by and
through its Department
of Transportation,

Plaintiff,

v.

KLAMATH COUNTRY CORNERS, a
California limited partnership;
and UNITED STATES NATIONAL
BANK OF OREGON, a national
banking association,

Defendants.

No. 9001489CV

STIPULATED FINAL
JUDGMENT

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

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

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

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

It appearing to the court from the records and files

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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

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2 - STIPULATED FINAL JUDGMENT

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

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

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

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

13 Hwy. Engr's Sta.	14 Side of Hwy.	15 Width
1294+35	Easterly	35'
1299+25	Easterly	35'

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

2. 22

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

25 DATED this 14th day of January, 1971.

26
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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OPEN
1988

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1526

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).

Exhibit A

0811
0831

1140
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00/00 0115
Lyn G. Hardy, Clerk of the Circuit Court of the County of Klamath
Klamath County Courthouse
Klamath Falls, Oregon
97603-11-11

00/00 0115
Lyn G. Hardy, Clerk of the Circuit Court of the County of Klamath
Klamath County Courthouse
Klamath Falls, Oregon
97603-11-11

00/00 0115

00/00 0115
Lyn G. Hardy, Clerk of the Circuit Court of the County of Klamath
Klamath County Courthouse
Klamath Falls, Oregon
97603-11-11

STATE OF OREGON)
County of Klamath)

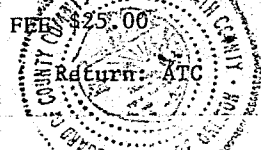
I, LYN G. HARDY Clerk of the Circuit Court of the County of Klamath and the State of Oregon do hereby certify that the foregoing copy has been by me compared with the original and that it is a true and correct copy thereof, and of the whole of such original as the same appears to be a true and correct copy of in my office, and in my care and custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office, 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



Evelyn Biehn, County Clerk
By Pauline Muelender

INDEXED
D. 1

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title co. the 24th day of Jan. A.D., 19 91 at 10:35 o'clock A M., and duly recorded in Vol. M91 of Deeds on Page 1523

FEE \$none

Evelyn Biehn, County Clerk
By Pauline Muelender

(Re-recorded to correct book)