

ASPEN 33057

FILED
STATE OF OREGON
CLERK OF COURT

58107

CIRCUIT COURT OF OREGON

MAR 12 AM 11:34

KLAMATH COUNTY

CLERK OF COURT

BY _____

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

Plaintiff,

v.

L. A. GIENGER and PAULINE H.
GIENGER, doing business as
Gienger Investments; and
ALYSON CASEY, Trustee of
Gienger Liquidating Trust,

Defendants.

No. 90-00493CV

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 L. A. and
Pauline H. Gienger and Alyson Casey appearing by and through
Andrew C. Brandsness, their attorney; 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
herein and the stipulation of the parties that the sum to be
awarded to the defendants for the appropriation of the property
hereinafter described is the sum of \$2,500, and

Page 1 - STIPULATED FINAL JUDGMENT

93-31-21

After Recording Return To:
Highway Division
Right of Way Section
Room 409 Transportation Bldg.
Salem, OR 97310

1 It further appearing to the court that plaintiff, on
2 February 26, 1990 deposited with the clerk of this court the
3 sum of \$250 for the use and benefit of the defendants; and

4 It further appearing that plaintiff has deposited with the
5 clerk of this court the balance of the amount for the
6 appropriation which is over and above the \$250 heretofore
7 deposited, to wit: the sum of \$2,250, plus interest at the
8 rate of 9% per annum from March 2, 1990, the date the plaintiff
9 took possession of the property described herein, to the date
10 of payment, and that plaintiff is now entitled to judgment,
11 appropriating the acquisition hereinafter described, to the
12 State of Oregon, by and through its Department of
13 Transportation, free and clear of all liens and encumbrances;
14 now, therefore,

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED by this court
16 as follows:

17 1.

18 That the acquisition hereinafter described be, and the
19 same hereby is, appropriated for public purposes; and title to
20 said acquisition, together with all rights and easements
21 therein, be, and the same hereby is vested in the State of
22 Oregon, by and through its Department of Transportation, free
23 and clear of all liens and encumbrances. Said acquisition so
24 appropriated is described on the attached Exhibit A.

25 ///

26 ///

Page

1 - STIPULATED FINAL JUDGMENT

1 The use to be made of each parcel is as follow:
2

3 All abutter's rights of access to, from and
4 between the right of way of the highway project
5 and the property described as Parcel 1.

6 2.

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

9 DATED this 12 day of March, 1991.

10 Royanne Osborn
11 CIRCUIT COURT JUDGE

12 IT IS SO STIPULATED:

13 [Signature]
14 ROBERT A. PETERSEN
15 Of Attorneys for Plaintiff

16 [Signature]
17 ANDREW C. BRANDSNESS
18 Of Attorneys for Defendant

EXHIBIT A

File 58107
L. A. and Pauline H. Gienger
AFD 7-14-89 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 38 of Section 16, Township 35 South, Range 7 East, W.M., Klamath County, Oregon; the said tract being that portion of said lots lying Easterly of the Easterly line of the relocated the Dalles-California Highway and Southerly of that property described in that deed to Fred W. Koehler, Jr., recorded in Book M-77, Page 15301 of Klamath County Record of Deeds.

178A

4872

STATE OF OREGON

County of Klamath

I, SYN 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 original as the same appears on file or of record in my office.

Witness my hand and the seal of said Court this 18th day of March, A.D. 1991.

SYN G. HARDY, Clerk of Court

By [Signature]

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 18th day of March, A.D. 19 91 at 3:25 o'clock P. M., and duly recorded in Vol. M91 of Co. Lien Docket on Page 4868.

FEE \$25.00

Evelyn Biehn - County Clerk

By [Signature]