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APR 30 1991

**CERTIFIED  
COPY**R58034  
Vol. 91 Page 9622  
FILED  
STATE OF OREGON  
KLAMATH CO. CIRCUIT COURT

CIRCUIT COURT OF OREGON

1991 APR 30 PM 2:37

KLAMATH COUNTY

CLERK OF COURT

ASPD 32882

BY \_\_\_\_\_

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

Plaintiff,

v.

No. 9000492CV

STIPULATED FINAL  
JUDGMENTCHARLES E. MASTERSON and  
DONNA D. MASTERSON, husband  
and wife,,

Defendants.

The above-entitled matter having come on regularly upon stipulation of the parties, plaintiff appearing by and through Roger R. Warren of its attorneys and defendants Charles E. Masterson and Donna D. Masterson appearing by and through Stan Jones, 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 \$7,500, and

///

Page 1 - STIPULATED FINAL JUDGMENT

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

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

98-31-21

It further appearing to the court that plaintiff, on February 26, 1990 deposited with the clerk of this court the sum of \$2,170 for the use and benefit of the defendants; and

It further appearing that plaintiff has deposited with the clerk of this court the balance of the amount for the appropriation which is over and above the \$2,170 heretofore deposited, to wit: the sum of \$5,330, plus interest at the rate of 9% per annum from March 28, 1990, the date the plaintiff took possession of the property described herein, to the date of payment, and that plaintiff is now entitled to judgment, appropriating the acquisition hereinafter described, to the State of Oregon, by and through its Department of Transportation, free and clear of all liens and encumbrances; now, therefore,

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

## 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 liens and encumbrances. Said acquisition so appropriated is described on the attached Exhibit A.

The legal description of said property is as set out in Exhibit A attached hereto and by this reference made a part hereof.

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

2 Title in fee simple to the property described  
as Parcels 1 and 2.

3 All abutter's rights of access between the  
4 property described as Parcels 1 and 2 and  
5 defendants' remaining real property, except,  
6 the State as part of the highway project and at  
7 its sole cost, will extend a passage through a  
8 5' x 7' box culvert beneath the highway in the  
9 vicinity of the Highway Engineers Center line  
station 3136+15. The defendants, their heirs  
and assigns are granted the right to use the  
passage underneath the highway as long as the  
land on both sides of the highway, served by  
the box culvert, is held under common ownership.

10 2.

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

13 DATED this 30<sup>th</sup> day of April, 1961.

14   
15 CIRCUIT COURT JUDGE

16 IT IS SO STIPULATED:

17   
18 ROGER R. WARREN  
19 Of Attorneys for Plaintiff

20   
21 STAN C. JONES  
22 Of Attorneys for Defendant

23 0858T/cr  
24  
25  
26

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

## EXHIBIT A

File R58034  
 Charles E. and Donna W.  
 Masterson  
 KEK 12-28-89 25-31-21  
 Parcels 1 and 2

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

## PARCEL 1 - Fee

A parcel of land lying in Lot 17 of Section 4, Township 35 South, Range 7 East, W.M., Klamath County, Oregon; the said parcel being that portion of said lot lying Northerly of that property described in that deed to Thurman J. Jackson, recorded in Book M-69, Page 9656 of Klamath County Record of Deeds and included in a strip of land 70 feet in width, lying on the Easterly side of the center line of the relocated The Dalles-California Highway which center line is described as follows:

Beginning at Engineer's center line Station 3125+00, said station being 1288.13 feet South and 1086.50 feet East of the North quarter corner of Section 4, Township 35 South, Range 7 East, W.M.; thence South  $29^{\circ} 28'$  West 519.89 feet; thence on a spiral curve left (the long chord of which bears South  $6^{\circ} 21' 58''$  West 250 feet) 250 feet; thence on a 19,098.59 foot radius curve left (the long chord of which bears South  $5^{\circ} 43' 33''$  West 260.18 feet) 260.19 feet; thence on a spiral curve left (the long chord of which bears South  $5^{\circ} 05' 08''$  West 250 feet) 250 feet; thence South  $4^{\circ} 57' 38''$  West 6419.92 feet to Engineer's center line Station 3202+00.

(over)

DEC 28 1989

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## PARCEL 2 - Fee

A parcel of land lying in Lots 17 and 21 of Section 4, Township 35 South, Range 7 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Charles E. and Donna W. Masterson, recorded in Book M-75, Page 9860 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 Westerly side of the center line of the relocated The Dalles-California Highway 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 Westerly Side of Center Line
3131+00		3141+00	60
3141+00		3143+00	60 in a straight line to 70
3143+00		3156+00	70 in a straight line to 85

The parcel of land to which this description applies contains 0.43 acre, more or less, outside of the existing right of way.

r/r

12-28-89

NOTE: Parcels 1 and 2 Access Controlled to Parcel.

DEC 28 1989



3532

9627

RECEIVED

It is hereby certified that the foregoing copy has been compared with the original, and that it is a transcript thereof, and that the whole of such transcript as the same appears on file or of record in my office and in my care and custody.



STATE OF OREGON )  
County of Klamath )  
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 thereof, and  
of the whole of such transcript 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  
the seal of said Court, this 30 day of April A.D. 19 91

LYN G. HARDY Clerk of Court

By Cathy Self

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 21st day  
of May A.D., 19 91 at 3:28 o'clock P M., and duly recorded in Vol. M91,  
of Co. Lien Docket on Page 9622.

FEE \$30.00

Evelyn Biehn - County Clerk

By Pauline Muelendor