

36654

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF KLAMATH

DALE A. FLEMING and JANICE M.
FLEMING, husband and wife,

Plaintiffs,

v.

MICHAEL BARNES WRAY; MARK FORBES
WRAY; NANCY LEE DEY; STEVEN
WADDINGTON WRAY; SUSAN WRAY HEDGES;
and JUDITH WRAY NELSON, dba WRAY
PARTNERSHIP; WRAY PARTNERSHIP;
DAVID P. HENZEL; ROBERT J. BOGATAY;
and BOGATAY CONSTRUCTION,

Defendants.

Case No. 9101064 CV

RELEASE OF LIEN AGAINST
REALTY

We, ROBERT J. BOGATAY and BOGATAY CONSTRUCTION, acknowledge that Dale A. Fleming and Janice M. Fleming, husband and wife, are seeking strict foreclosure of the Contract to Exchange Real Property dated November 9, 1989 and recorded January 26, 1990 in Volume M 90, Page 1820, of the Deed Records of Klamath County, Oregon, wherein Dale A. Fleming and Janice M. Fleming and the Wray Partnership were the parties in interest; and said Dale A. Fleming and Janice M. Fleming are seeking foreclosure of the Promissory Note and Mortgage dated September 26, 1989 and recorded January 26, 1990 in Volume M 90, Page 1834, of the Mortgage Records of Klamath County, Oregon to secure payment of \$738,320 wherein the Wray Partnership was the mortgagor and Dale A. Fleming and Janice M. Fleming were the mortgagees.

We, ROBERT J. BOGATAY and BOGATAY CONSTRUCTION, are satisfied that the Wray Partnership has no equity in the real
RELEASE OF LIEN AGAINST REALTY -1-

OCT 29 PM 12 01

MICHAEL L. BRANT
ATTORNEY AT LAW
325 MAIN STREET
KLAMATH FALLS, OREGON 97601
(503) 882-4653

The following described real property situated in Klamath County, Oregon:

PARCEL 1: That portion of S½SW¼, in Section 25, Township 39 South, Range 9 E.W.M. EXCEPTING HOWEVER, from the effect of this conveyance, the South 126.7 feet thereof; Containing after making the aforesaid exception, 72.3 acres, and SAVING and EXCEPTING any portion lying in Homedale Road.

PARCEL 2: The N½NE of Section 35 Township 39 South, Range 9 E.W.M., Klamath County, Oregon, SAVING AND EXCEPTING such portions of said premises as have been conveyed to the United States of America by deed recorded in Volume 326 at page 239, by deed recorded in Volume 30 at page 563, by deed recorded in Volume 45 at page 239, and by deed recorded in Volume 88 at page 309 of Deed Records of Klamath County, Oregon; and ALSO EXCEPTING that portion of said realty acquired by the United States of America under a declaration of taking in Volume 293 at page 183 of Deed Records of Klamath County, Oregon; ALSO EXCEPTING THEREFROM any portion lying within Homedale Road.

PARCEL 3: Tract 19 of "400" Subdivision, EXCEPTING THEREFROM that portion deeded to United States of America by deed recorded February 7, 1936, in Deed Volume 105, page 608 for 1-B-1-A Drain purposes. ALSO EXCEPTING THEREFROM that portion deeded to the United States of America by deed recorded August 26, 1960 in Deed Volume 323, page 581.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 29th day
of Oct. A.D., 1991 at 12:01 o'clock P.M., and duly recorded in Vol. M91,
of Deeds on Page 22549.

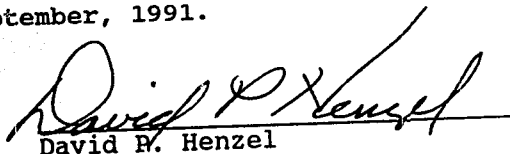
Evelyn Biehn, County Clerk

By Pauline M. Mendenhall

FEE \$18.00

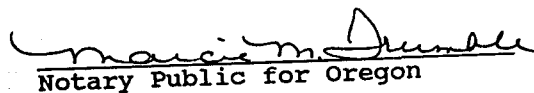
1 above-described Contract to Exchange Real Property and Mortgage.
 2 Therefore, I do hereby release property in the county of Klamath,
 3 state of Oregon, more particularly described in Exhibit A
 4 attached hereto and by this reference made a part hereof, from
 5 all claim to or interest in the same or any part thereof which I
 6 may have under and by virtue of the judgment rendered in Case No.
 7 9101486 CV, of the Circuit Court of Klamath County, Oregon on the
 8 21st day of August, 1991 against the Wray Partnership for the sum
 9 of \$408,391.15 and from all liens or encumbrances that are
 10 attached to the same by reason of the recovery of the judgment as
 11 free and clear, in all respects, as though the judgment had not
 12 been rendered.

13 DATED THIS 18 day of September, 1991.

14 
 15 David P. Henzel

16
 17 STATE OF OREGON, County of Klamath) ss.

18 Before me this 18 day of September, 1991 personally
 19 appeared the above named David P. Henzel and acknowledged the
 20 foregoing instrument to be his voluntary act and deed.

21 
 22 Notary Public for Oregon

23 My Commission Expires: 11-20-91

24
 25
 26
 MICHAEL L. BRANT
 ATTORNEY AT LAW
 325 MAIN STREET
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