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Vol. 92 Page 27194

SEP 29 1992

CIRCUIT COURT OF OREGON

COUNTY OF KLAMATH

FILED

STATE OF OREGON

1992 SEP 30 PM 1:39

CLERK OF COURT

BY *Sally Day*

No. 9200856 CV

FINAL DECREE AND JUDGMENT
OF STRICT FORECLOSURE OF
LAND SALES CONTRACT

ENTERED

10-16-92

BY SD

It appearing to the Court that on August 25, 1992, the Court made and entered herein its Interlocutory Decree requiring Defendant Brendan Capital Corp. to pay to the Plaintiffs through the Clerk of the Court certain sums of money within thirty days of the date of the Interlocutory Decree or otherwise be foreclosed of all interest in the real property described therein and to the money previously paid by Defendant on the purchase price of the property; and, it further appearing to the Court that the Defendant has failed to pay such money and the time for doing so has expired; and, that Plaintiffs are now entitled to a Final Decree of Strict Foreclosure and a Money Judgment against Michael Wray and John Dey, and the Court being fully advised in the premises;

NOW, THEREFORE, it is hereby ORDERED and DECREED as follows:

1. That the Defendant Brendan Capital Corp., and each of the other Defendants named in this lawsuit, are hereby forever strictly

1 - FINAL DECREE AND JUDGMENT OF STRICT FORECLOSURE OF LAND SALES CONTRACT

*After Recording
Return to:*

WILLIAM M. GANONG
ATTORNEY AT LAW
635 MAIN STREET
KLAMATH FALLS, OREGON 97601
(503) 824-1721 / FAX (503) 883-1923

55.00

1 foreclosed of all interest in the real property described on
 2 Exhibit A, attached hereto and incorporated herein by this
 3 reference, and that the interest of all Defendants in the real
 4 property, both at law and in equity are hereby vested absolutely in
 5 Plaintiffs;

6 2. That all money previously paid by Defendant Brendan
 7 Capital Corp. upon the purchase price of the property belongs to
 8 Plaintiff free and clear of all claims of the Defendants;

9 3. That this Decree shall stand as a cancellation of the
 10 contract; and

11 4. That Plaintiffs shall have judgment against Defendants
 12 Michael B. Wray and John W. Dey as follows:

13 MONEY JUDGMENT

14 1. Judgment Creditors: David S. Kurtz & Betty J. Kurtz;

15 2. Judgment Creditors' Attorney: William M. Ganong, Attorney
 16 at Law, 635 Main Street, Klamath Falls, Oregon 97601;

17 3. Judgment Debtors: Michael B. Wray and John W. Dey;

18 4. Judgment for Attorney's Fees: \$2,000.00;

19 5. Judgment for costs of suit, including title report:
 20 \$837.30;

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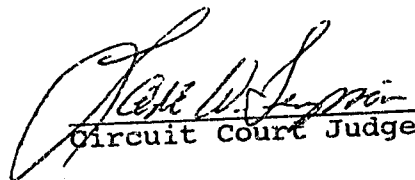
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2 - FINAL DECREE AND JUDGMENT OF STRICT FORECLOSURE OF LAND SALES
 CONTRACT

WILLIAM M. GANONG
 ATTORNEY AT LAW
 635 MAIN STREET
 KLAMATH FALLS, OREGON 97601
 (503) 884-1721 / FAX (503) 883-1923

1 6. Post Judgment interest at the rate of 9% per annum on the
2 total judgment which consists of no. 5. plus 6., above, from the
3 date judgment is entered until fully paid.

4 Dated this 30 day of September, 1992.

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6 
7 Circuit Court Judge

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13 This form submitted by:
14 William M. Ganong
15 OSB No. 78213
16 Attorney for Plaintiffs
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3 - FINAL DECREE AND JUDGMENT OF STRICT FORECLOSURE OF LAND SALES
CONTRACT

WILLIAM M. GANONG
ATTORNEY AT LAW
615 MAIN STREET
KLAMATH FALLS, OREGON 97601
(503) 884-1721 / FAX (503) 883-1923

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

The S½SE¼ of Section 26, Township 39 South, Range 9 East of the Willamette Meridian, Oregon, EXCEPT the following parcels thereof, to wit:

PARCEL 1:

That portion of said property conveyed by Frank D. Miles, a single man to P. J. Elliott, by Deed dated December 21, 1937, recorded December 22, 1937, in Volume 113 page 443, Deed records of Klamath County, Oregon, described as follows, to wit: Beginning at a point on the East boundary of said Section 26 from which the Southeast corner of said Section 26 bears South 1193.0 feet distant and running; thence South 89°49' West 100 feet; thence North 50.0 feet; thence South 89°49' West 2559.0 feet to the West boundary of the SE¼ of said Section 26; thence North 60.0 feet; thence North 89°49' East 2479.0 feet; thence South 64°50' East 88.5 feet; thence South 72.0 feet to the point of beginning.

PARCEL 2:

Excepting also that portion of said property described as Parcel Four (Unit No. 11) in the United States of America, Plaintiff vs Charles E. Drew, et al., defendants, Civil No. 4253. In the District Court of the United States for the District of Oregon in Judgment of Declaration of Taking and Order Granting Possession, recorded March 11, 1949, in Volume 229 page 308, Deed records of Klamath County, Oregon, and also described in United States of America, Plaintiff vs Jack C. Hayes, et al., Defendants, Civil No. 4726. In the District Court of the United States for the District of Oregon in Order Fixing Value, Final Judgment in Condemnation and Order Disbursing Funds, recorded March 9, 1951, in Volume 246 page 73, Deed records of Klamath County, Oregon, and described as follows: to-wit: Beginning at a point in the Easterly boundary of the SE¼ of said Section 26, distant there along North 126.7 feet from the Southeast corner of said Section 26, said point being also distant North 165 feet from the center line of Lost River Diversion Channel Enlargement running thence from said point of beginning, South 89°58' West 2658.0 feet to a point in the Westerly boundary of the SE¼ of said Section 26, distant there along North 128.2 feet from the South Quarter corner of said Section 26, said point being also North 165 feet from said center line of Lost River Diversion Channel Enlargement; EXCEPTING THEREFROM all that portion thereof lying within the present boundaries of the right of way for Lost River Diversion Channel owned by the United States of America.

PARCEL 3:

EXCEPTING ALSO that portion of said property conveyed to City of Klamath Falls, a municipal corporation of the State of Oregon by Deed dated February 15, 1955, recorded February 16, 1955, in Volume 272 page 328, Deed records of Klamath County, Oregon, described as follows:

Beginning at the Northwest corner of the SW¼SE¼ of Section 26, Township 39 South, Range 9 E.W.M., said corner being on the center line of the U.S.B.R. drainage canal; thence South 89°57'15" East along the centerline of said canal, a distance of 1026.63 feet to a point; thence South 88°29'45" West a distance of 1107.04 feet to an iron pin; said pin being on the Westerly one-quarter section line of the SE¼ of said Section 26; thence North 0°27'45" East along said one-quarter section line a distance of 406.77 feet to the point of beginning.

Exhibit "A"

PARCEL 4:

EXCEPTING ALSO that portion of said property conveyed to City of Klamath Falls, a municipal corporation of the State of Oregon by Deed dated September 16, 1955, recorded September 21, 1955 in Volume 277 page 468, Deed records of Klamath County, Oregon, described as follows, to-wit: Beginning at an iron pin on the West line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26, Township 39 South, Range 9 E.W.M., said pin being South 0°27'45" West a distance of 408.54 feet from the Northwest corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 39 South, Range 9 E.W.M.; thence North 68°29'45" East a distance of 1107.04 feet, to a point on the North line of the said SW $\frac{1}{4}$ SE $\frac{1}{4}$, said point being also the center line of the U.S.R.S. drainage ditch; thence South 89°57'15" East along said North line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 53.50 feet to a point; thence South 21°30'15" East a distance of 1312.11 feet to an iron pin; said pin being on the Northerly right of way line of the Lost River Diversion Canal and being within the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 26; thence North 89°49'09" West along said Northerly right of way line a distance of 1571.10 feet to an iron pipe, said pipe being on the West line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26; thence North 0°27'25" East along said West line a distance of 809.83 feet to the point of beginning.

Klamath County Assessor's tax lot no.s 3909-02600-01400 and
3909- 02600- 01600

Send Tax Statements to;

Mr. & Mrs. David Kurtz
9324 Hemedale Rd.
Klamath Falls, Or. 97603

