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KLAMATH FALLS, OR 97601

MAY 16 1996

FILED  
STATE CLERK  
KLAMATH FALLS, OREGON  
96 MAY 18 PM 4:50

CLERK OF COURT

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF KLAMATH

TAMARACK PROPERTIES, INC.,  
an Oregon corporation,

Plaintiff,

v.

LARKIN D. MINOR and OMA  
MINOR; FARMERS AND MERCHANTS  
TRUST COMPANY OF LONG BEACH;  
SALVATORE STRAZZERI, Trustee  
for Strazzeri Enterprises,  
Inc. Pension Plan and Trust  
Agreement; JOHN P. HARWOOD;  
GEORGE A. MUNOZ; LARRY J.  
HAVEMANN and VIRGINIA CAROLE  
HAVEMANN; HAROLD L. LARSON and  
BARBARA E. LARSON; and LEISURE  
LODGE, INC.,

Defendants.

CASE NO. 9600379 CV

ORDER GRANTING SUMMARY JUDGMENT  
AND DECREE QUIETING TITLE TO  
REAL PROPERTY

THIS MATTER came before the Court on plaintiff's Motion for  
Summary Judgment. None of the defendants filed a response to the  
Motion within the time allowed by ORCP 47. The Court, having  
considered said Motion and supporting exhibits, finds, orders,  
and adjudges as follows:

1. Defendant John P. Harwood has been dismissed as a party  
to this suit. This Order and Judgment shall not determine or  
affect the right, title, or interest, if any, of John P. Harwood  
in the real property described on Exhibit A to this Judgment.

ORDER GRANTING SUMMARY JUDGMENT AND  
DECREE QUIETING TITLE TO REAL PROPERTY -1-

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(541) 884-1721 / FAX (541) 883-1923

7002

2. The Court finds, pursuant to ORS 88.110, that the debts secured by the following-described Trust Deeds are conclusively presumed paid and discharged, and that said Trust Deeds are no longer a lien on the property described thereon. All recording information set forth in this Order refers to the records of the Clerk of Klamath County, Oregon. The Trust Deeds to which this ruling pertains are:

A. Trust Deed, including the terms and provisions thereof to secure the amount noted below and other amounts secured thereunder, if any:

Grantor: Leisure Lodge, Inc., a California corporation  
Trustee: Pioneer National Title Insurance Company  
Beneficiary: Marguerite Schubert and Benjamin W. Pearcy  
Dated: December 20, 1972  
Recorded: January 29, 1973  
Book: M-73  
Page: 1054  
Amount: \$30,000

The beneficial interest thereunder as assigned:

To: Marguerite Schubert  
Recorded: September 6, 1985  
Book: M-85  
Page: 14347

The beneficial interest thereunder was assigned:

To: Larkin D. Minor and Oma Minor, husband and wife  
Recorded: November 10, 1988  
Book: M-88  
Page: 19069

B. Trust Deed, including the terms and provisions thereof to secure the amount noted below and other amounts secured thereunder, if any:

ORDER GRANTING SUMMARY JUDGMENT AND  
DECREE QUIETING TITLE TO REAL PROPERTY

-2-

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1 Grantor: Leisure Lodge, Inc., a California corporation  
 2 Trustee: Farmers and Merchants Trust Company of  
 Long Beach, a California corporation  
 3 Beneficiary: Farmers and Merchants Trust Company of  
 Long Beach  
 4 Dated: November 26, 1975  
 Recorded: December 1, 1975  
 5 Book: M-75  
 Page: 15102  
 Fee No. 7775  
 6 Amount: \$35,000  
 Loan No.: 65227-RG

7  
 8 The beneficial interest thereunder was assigned:

9 To: L. D. Minor and Oma Minor, husband and wife, as  
 to an undivided one-half interest  
 10 Recorded: August 2, 1991  
 Book: M-91  
 11 Page: 15160

12  
 13 C. Trust Deed, including the terms and provisions thereof  
 to secure the amount noted below and other amounts secured  
 thereunder, if any:

14 Grantor: Leisure Lodge, Inc.  
 15 Trustee: Title Insurance and Trust Company  
 Beneficiary: Salvatore Strazzeri, Trustee for Strazzeri  
 16 Enterprises, Inc., Pension Plan and Trust  
 Agreement  
 17 Dated; December 2, 1976  
 Recorded: December 30, 1976  
 18 Book: M-76  
 Page: 20861  
 19 Fee No. 23534  
 Amount: \$35,000

20  
 21 3. The Court finds that the lien of the Trust Deed  
 22 described as:

23 Trust Deed, including the terms and provisions thereof to  
 24 secure the amount noted below and other amounts secured  
 thereunder, if any:

25  
 26 ORDER GRANTING SUMMARY JUDGMENT AND  
 DECREE QUIETING TITLE TO REAL PROPERTY -3-

1 Grantor: Leisure Lodge, Inc., a California corporation  
2 Trustee: First American Title Insurance Company, a  
California corporation  
3 Beneficiary: George A. Munoz, a single man  
4 Dated: June 17, 1991  
5 Recorded: June 25, 1991  
Book: M91  
Page: 12142  
Amount: \$20,000

6 was released by the Substitution of Trustee and Full Reconveyance  
7 recorded on September 3, 1991 in Book M-91 at page 18386 of the  
8 records of the Clerk of Klamath County. Defendants Larry J.  
9 Havemann and Virginia Carole Havemann are shown as the Assignees  
10 of the beneficial interest in said Trust Deed in the Assignment  
11 recorded September 12, 1991 in Book M-91 at page 18386. However,  
12 said Assignment was recorded after the Full Reconveyance  
13 described above and is, therefore, null and void. Said  
14 defendants were served with Summonses and Complaints in the  
15 manner provided by law, and the default of said defendants has  
16 heretofore been entered by the Court.

17 4. The Court finds that plaintiff acquired its interest in  
18 the subject property from Albert Sukut and Gladys Sukut. The  
19 Sukuts were the owners of judgments against Leisure Lodge, Inc.  
20 which held title to the subject property. The Sukuts' original  
21 judgment was entered on December 31, 1991 and became a lien on  
22 the property on that date. Thereafter, the Sukuts caused their  
23 judgment lien to be foreclosed against the subject property by  
24 Writ of Execution which resulted in the sale of the interest of  
25 Leisure Lodge, Inc. to Sukuts and to plaintiff. Following the  
26

ORDER GRANTING SUMMARY JUDGMENT AND  
DECREE QUIETING TITLE TO REAL PROPERTY -4-

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1 entry of said judgment liens, a Trust Deed described as:

2 Trust Deed, including the terms and provisions thereof to  
3 secure the amount noted below and other amounts secured  
thereunder, if any:

4 Grantor: Leisure Lodge, Inc., a California corporation  
5 Trustee: Klamath County Title Company  
Beneficiary: L. D. Minor and Oma Minor, husband and wife,  
6 or the survivor  
Dated: June 1, 1992  
7 Recorded: November 27, 1992  
Book: M-92  
Page: 28142  
8 Fee No.: 54450  
Amount: \$66,436.94  
9

10 and a judgment described as:

11 Judgment in the State Circuit Court:

12 In favor of: Harold L. Larson and Barbara E. Larson  
Against: Leisure Lodge, Inc., a foreign corporation,  
13 Emery H. Owens and Ann B. Owens  
Suit No.: 90-2940  
Entered: April 14, 1995  
14 Amount: \$15,000, plus interest, costs, and  
15 disbursements

16 attached to the subject property. However, the lien of the said  
17 Minors' Trust Deed and the lien of the Larson judgment were  
18 extinguished by the Sheriff's sale of the property and the  
19 failure of said lien holders to redeem the property from the  
20 Sheriff's sale are no longer liens against the property.

21 5. Plaintiff is entitled to a judgment of this Court  
22 quieting its title in the subject property of the interests of  
23 the defendants arising from the above-described Trust Deed and  
24 judgment liens.

25 THEREFORE, IT IS ORDERED AND DECREED as follows:

26 A. Plaintiff's Motion for Summary Judgment is granted;

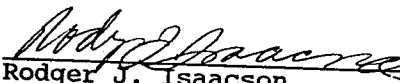
ORDER GRANTING SUMMARY JUDGMENT AND  
DECREE QUIETING TITLE TO REAL PROPERTY -5-

1 B. Plaintiff is found and declared to be the owner in fee  
2 simple of the real property described on Exhibit A attached  
3 hereto and incorporated herein by this reference, free and clear  
4 of any estate, title, claim, lien, or interest of the defendants  
5 or those claiming under the defendants and arising from the Trust  
6 Deed and judgment liens described hereinabove, which said liens  
7 are adjudged to have expired, been released, and be of no further  
8 force and effect.

9 C. Defendants, and each of them, and those claiming under  
10 them, are permanently enjoined from asserting any estate, title,  
11 claim, lien, or interests in the premises or any portion thereof,  
12 by virtue of said Trust Deeds and judgment.

13 D. Plaintiff is awarded a judgment against the defendants  
14 for its costs and disbursements incurred herein.

15 Dated this 16 day of May, 1996.

16  
17  
18   
19 Rodger J. Isaacson  
20 Circuit Court Judge  
21  
22  
23  
24  
25  
26

ORDER GRANTING SUMMARY JUDGMENT AND  
DECREE QUIETING TITLE TO REAL PROPERTY -6-

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## EXHIBIT "A"

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 26 & 34, Block 1, Tract 1074, LEISURE WOODS, in the County of Klamath, State of Oregon.

Lots 4, 5, 6, and 7, Block 2, Tract 1074, LEISURE WOODS, in the County of Klamath, State of Oregon.

Lots 8, 11, 12 and 16, Block 3, Tract 1074, LEISURE WOODS, in the County of Klamath, State of Oregon.

Lots 1, 3, 4, 6, 7 and 8, Block 4, Tract 1074, LEISURE WOODS, in the County of Klamath, State of Oregon.

Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24, Block 2, LEISURE WOODS UNIT #2, in the County of Klamath, State of Oregon.

Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, Block 3, LEISURE WOODS UNIT #2, in the County of Klamath, State of Oregon.

Lots 9, 10, 11, 12, 13, 14 and 15, Block 4, LEISURE WOODS UNIT #2, in the County of Klamath, State of Oregon.

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, Block 5, LEISURE WOODS UNIT #2, in the County of Klamath, State of Oregon.

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31, Block 6, LEISURE WOODS UNIT #2, in the County of Klamath, State of Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 11th day  
of April A.D. 19 95 at 10:52 o'clock A M., and duly recorded in Vol. 495  
of Deeds on Page 8991  
By Bernice G. Letch, County Clerk

FEE \$15.00

## PARCEL 1:

Lots 36 thru 48, Block 3; Lots 16 thru 20, Block 4 and Lots 20 thru 38, Block 5, LEISURE WOODS UNIT #2, in the County of Klamath, State of Oregon.

## PARCEL 2:

That portion of the SE 1/4 NW 1/4 of Section 7, Township 24 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, lying Southerly and Westerly of LEISURE WOODS and Westerly and Northerly of Diamond Peak Circle Road and Easterly of Highway 58.

## PARCEL 3:

The North 250 feet of the NE 1/4 SW 1/4 of Section 7, Township 24 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, lying West of the Westerly right of way line of State Highway No. 58.

ALSO a portion of the NE 1/4 SW 1/4 of Section 7, Township 24 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at a 2 inch pipe with Brass cap marking the intersection of the North line of the NE 1/4 SW 1/4 of said Section 7 with the Easterly right of way line of Highway No. 58; thence North 89 degrees 49' 08" East along said North line a distance of 70.0 feet; thence South 16 degrees 21' 06" East parallel with the Easterly line of Highway No. 58, a distance of 104.2 feet; thence South 89 degrees 49' 08" West a distance of 70.0 feet to the Easterly right of way line of said Highway No. 58; thence North 16 degrees 21' 06" West along said right of way line a distance of 104.2 feet to the point of beginning..

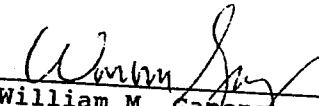


## CERTIFICATE OF MAILING

I certify that I served the foregoing ORDER GRANTING SUMMARY JUDGMENT AND DECREE QUIETING TITLE TO REAL PROPERTY by depositing a true, full, and exact copy thereof in the United States Post Office at Klamath Falls, Oregon, on May 16, 1996, enclosed in a sealed envelope, with postage paid, addressed to:

Robert Bluth  
Attorney at Law  
2592 East Barnett Road  
Medford OR 97504

Dated this 16<sup>th</sup> day of May, 1996.

  
William M. Ganong

County of KLAMATH)  
STATE OF OREGON)

I hereby CERTIFY that the foregoing is a true and correct copy and the same is a true and correct copy of the original.

Clerk of Court

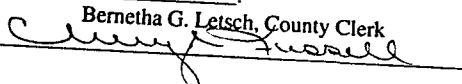
By   
Date 20 May 96

WILLIAM M. GANONG  
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635 MAIN STREET  
KLAMATH FALLS, OREGON 97601  
(541) 884-1721 / FAX (541) 883-1923

STATE OF OREGON: COUNTY OF KLAMATH: SS.

Filed for record at request of William M Ganong  
of May A.D., 19 96 at 10:01 o'clock AM, and duly recorded in Vol. M96  
of Deeds on Page 14827

FEE \$70.00

By  Bernetha G. Letsch, County Clerk