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96 SEP 11 AM 1:35

CIRCUIT COURT OF OREGON  
KLAMATH COUNTY

THEODORE L. SCOTT,

Plaintiff,

No. 94-01550CV

v.

NOTICE OF PENDENCY OF AN  
ACTION-LIS PENDENS--ORS  
93.740

ROY M. AGARD, et. al.,

Defendant.

PROPERTY IN KLAMATH COUNTY

Pursuant to ORS 93.740, the undersigned states:

1. As Plaintiff, Theodore L. Scott, has filed an action in the Circuit Court of the State of Oregon for Klamath County,
2. That Defendants are Roy M. Agard, Timothy D. Agard, Dixie Sevenikar, Wally Sanders, Husky Logging and Husky Log Homes.
3. The object of the action as to Defendants is for breach

of a contract, unjust enrichment, and imposition of a constructive trust on the real property in Klamath County.

4. Descriptions of the real property to be affected and upon which a trust is sought to be imposed are described in Exhibit A, hereto attached, and incorporated in this notice by this reference.

DATED this 10<sup>th</sup> day of September, 1996.

BOIVIN, JONES, UERLINGS, DILAONI & ODEN

By:

Barbara M. Dilaoni  
Barbara M. Dilaoni, OSB #91151  
Attorney for Plaintiff  
110 North Sixth Street  
Klamath Falls, OR 97601

DATED THIS 10 day of JULY, 1996.

Theodore L. Scott  
Theodore L. Scott

STATE OF OHIO

)  
) ss.

COUNTY OF Calloway

The foregoing instrument was executed by Theodore L. Scott as a Plaintiff in the above-referenced matter and acknowledged before me this 10 day of July, 1996.

Gina D. England  
Notary Public for Ohio

My Commission Expires: 11-30-98

After recording return to:  
Barbara M. Dilaoni  
10 North Sixth Street  
Klamath Falls, OR 97601

28562

## EXHIBIT "A"

- A. TWP 33, RNGE 13
- B. TWP 39, RNGE 9, BLOCK SEC 30, TRACT POR NE4SW4, ACRES 5.73
- C. TWP 39, RNGE 8, BLOCK SEC 32, TRACT POR LOT 6, ACRES 2.88
- D. TWP 41, RNGE 7, BLOCK SEC 9, TRACT POR NW4, ACRES 10.00
- E. KLAMATH FALLS ORIGINAL, BLOCK 3, LOT 3
- F. TWP 41, RNGE 7, BLOCK SEC 9, TRACT POR NE4SW4NW4, ACRES 10.00

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Baivin, Jones, Uerlings the 11th day  
of September A.D. 19 96 at 11:35 o'clock A.M., and duly recorded in Vol. M96  
of Mortgages on Page 28560.

FEE \$20.00

Bernetha G Letsch, County Clerk

By Cheryl Russell