

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH

KENNETH D. LEPPERT and KATHY)
R. LEPPERT,)

Plaintiffs,)

vs.)

RICHARD J. ROWE and CYNTHIA J.)
ROWE,)

Defendants.)

Case No. 9604558CV

NOTICE OF PENDENCY OF AN ACTION

Pursuant to ORS 93.740, the undersigned states:

1. Plaintiffs have filed an action in the Circuit Court for Klamath County, State of Oregon;

2. Defendants have filed an answer in the Circuit Court for Klamath County, State of Oregon;

3. The Plaintiffs are Kenneth J. Leppert and Kathy R. Leppert; Defendants are Richard J. Rowe and Cynthia J. Rowe;

4. The object of the action is: seeking the declaration of a prescriptive easement upon the real property of Plaintiff;

5. The description of the real property to be affected is attached hereto as Exhibit "A".

DATED this 16 day of September, 1997.

Michael P. Rudd

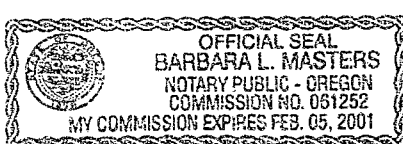
Michael P. Rudd
OSB #93418
of Attorneys for Defendants
411 Pine Street
Klamath Falls, OR 97601
(541) 382-6616

STATE OF OREGON)

County of Klamath)

ss. 16th September, 1997

Personally appeared, Michael P. Rudd, and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:



Barbara L. Masters
Notary Public for Oregon

My Commission expires: 5-01

97 SEP 18 A9 38

EXHIBIT "A"

Parcel A:

All of that tract of land situated in the NE 1/4 of Section 32, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon and recorded in Volume 266, page 629, Parcel 2, of Deed Records of Klamath County, lying South of an existing drainage ditch the centerline of which is described as follows:

Beginning at a point on the West Line of the above mentioned tract of land, from which the Northerly right of way line of the Klamath Falls-Ashland Highway lies South 0 degrees 32' West, 675 feet more or less: thence South 89 degrees 15' East along said centerline, 517 feet more or less to the East Line of the above mentioned tract of land.

EXCEPTING THEREFROM a parcel of land described as Parcel B below.

(R501585 R-3908-032A0-02200-000)

Parcel B:

A parcel of land situated in the NE 1/4 of Section 32, Township 39 South, range 8 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the section corner common to Sections 28, 29, 32, and 33; thence South 0°32' West 558.25 feet; thence South 89°58' West 95 feet; thence South 0°32' West 605.86 feet to a 5/8 inch iron rod, being the Northeasterly corner of said parcel, the true point of beginning; thence South 89°00'30" West 539.98 feet to a 5/8 inch iron rod; thence South 0°32' west 315.43 feet to a 5/8 inch iron rod at the intersection with the Northerly right of way line of Highway 66; thence Northeasterly along the Northerly right of way line of said Highway 66, 567.12 feet to a 5/8 inch iron rod; thence North 0°32' East 155.90 feet to the true point of beginning. The basis of bearings in Deed Volume M77 at pages 20785 and 20786, Microfilm records of Klamath County, Oregon.

(R501594 R-3908-032A0-02300-000)

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Michael P. Rudd the 18th day
of Sept. A.D., 19 97 at 9:38 o'clock A. M., and duly recorded in Vol. M97
of Mortgages on Page 30543.

Bernetha G. Letsch, County Clerk

FEE \$15.00

By Kathleen Ross