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411 Pine St.

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

JAMES MORGAN SR. and DOROTHY)
MORGAN,)

Case No. 9500714CV

Plaintiffs,)

JUDGMENT QUIETING TITLE

vs.)

KENNETH D. CLUTE,)

Defendant.)

KENNETH D. CLUTE,)

Third-Party Plaintiff,)

vs.)

CRAIG S. WOOLLEY, AUDREY L.)

WOOLLEY, SHERRIE JO DAMRON,)

Third-Party Defendants.)

THIS MATTER having come on before the Court; it appearing
that the Court has heretofore entered herein its Judgment Quieting
Title (Regarding Woolley) dated the 24th day of September, 1996;
and it further appearing that the issues as between the remaining

1 parties have been resolved pursuant to stipulation, and good cause
2 appearing therefor, now, therefore

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Judgment
4 Quieting Title (Regarding Third Party Defendants Craig S. Woolley
5 and Audrey Woolley)/Money Judgment entered herein dated the 24th
6 day of September, 1996 is by this Judgment confirmed and ratified;
7 and

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs,
9 James Morgan, Sr. and Dorothy Morgan, are determined to be the
10 owners and entitled to possession of that certain real property
11 legally described on Exhibit B, Legal Description, attached hereto
12 and incorporated by this reference herein if fully set forth, free
13 of any claim, estate, title or interest of the remaining parties
14 herein, or those claiming under them, and title is quieted in said
15 property in Plaintiffs James Morgan, Sr. and Dorothy Morgan; and

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant
17 and Third-Party Defendants, and those claiming under the said
18 parties are enjoined from asserting any estate, title or interest
19 in the real property described on Exhibit B, or any part thereof;
20 and

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant
22 and Third Party Plaintiff, Kenneth D. Clute, is determined to be
23 the owner and entitled to possession of that certain real property
24 legally described on Exhibit A-1 and A-2, Legal Description,
25 attached hereto and incorporated by this reference herein as if
26 fully set forth, free of any claim, estate, title or interest of
27
28

1 Plaintiffs or Third-Party Defendants, or those claiming under any
2 of said parties, and title is quieted in said property in
3 Defendant and Third-Party Plaintiff Kenneth D. Clute; and

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff
5 and Third-Party Defendants, and those claiming under the said
6 parties are enjoined from asserting any estate, title or interest
7 in the real property described on Exhibit A-1 and A-2, or any part
8 thereof; and

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the certain
10 right-of-way easement conveyed to Defendant and Third-Party
11 Plaintiff Kenneth D. Clute by that certain deed dated May 7, 1964
12 and recorded the 13th day of May, 1964 at Vol. 353 at page 97,
13 Deed Records of Klamath County, Oregon (the legal description of
14 which is attached hereto, marked Exhibit C) is by this Judgment
15 vacated and voided, and said easement shall be of no further force
16 and effect; and

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Third-Party
18 Plaintiffs' FOURTH THIRD-PARTY CLAIM FOR RELIEF (TIMBER TRESPASS)
19 as against Third-Party Defendant Sherrie Jo Damron is dismissed;

20 and

21 ///

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that as regards the parties James Morgan, Sr. and Dorothy Morgan, Kenneth D. Clute, and Sherrie Jo Damron, costs are awarded to none of the parties.

DATED this 7th day of February ~~January~~, 1997.

Is Roxanne B. Esborne
CIRCUIT COURT JUDGE

IT IS SO STIPULATED:

James Morgan, Sr.

by James Morgan Jr.
James Morgan, Jr., his attorney
in fact

Dorothy Morgan

by James Morgan Jr.
James Morgan, Jr., her attorney
in fact

Kenneth D. Clute
Kenneth D. Clute

Sherrie Jo Damron
Sherrie Jo Damron

APPROVED AS TO FORM

Andrew Brandsness
Andrew Brandsness
Attorney for Plaintiffs

Neal G. Buchanan
Neal G. Buchanan
Attorney for Clute

William P. Brandsness
William P. Brandsness
Attorney for Damron

Submitted by:
Neal G. Buchanan
Attorney for Defendant/Third-Party
Plaintiff Kenneth Dale Clute

EXHIBIT A - 1
LEGAL DESCRIPTION

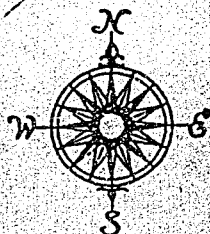
PARCEL 1:

The E 1/2 of a portion of the NE 1/4 of Section 35, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Northeast corner of the SE 1/4 NW 1/4 NE 1/4 of said Section 35; thence West along the North line of said SE 1/4 NW 1/4 NE 1/4, 265 feet to a point; thence South parallel with the East line of said SE 1/4 NW 1/4 NE 1/4, 433.5 feet to a point, said point being the true point of beginning of the tract to be hereinafter described; thence West parallel with the North line of said SE 1/4 NW 1/4 NE 1/4 100 feet to a point; thence South parallel with the East line of said SE 1/4 NW 1/4 NE 1/4 and the NE 1/4 SW 1/4 NE 1/4 of said Section 35, 470 feet, more or less to a point on the Northerly line of Sprague River, thence Northeasterly along the Northerly line of Sprague River, 124.0 feet, more or less, to a point which is 265 feet West of the East line of the NE 1/4 SW 1/4 NE 1/4 of said Section 35, when measured at right angles to said NE 1/4 SW 1/4 NE 1/4; thence North and 265 feet West of the East line of said SE 1/4 NW 1/4 NE 1/4 and NE 1/4 SW 1/4 NE 1/4, 390.0 feet more or less to the true point of beginning.

ALSO, the E 1/2 of a parcel of land situate in the NW 1/4 NE 1/4 of Section 35, Township 34 South, Range 7 East of the Willamette Meridian, more particularly described as follows:

Beginning at the Northeast corner of the SE 1/4 NW 1/4 NE 1/4 of said Section 35; thence West along the North line of said SE 1/4 NW 1/4 NE 1/4, 265 feet to a point; thence South parallel with the East line of said SE 1/4 NW 1/4 NE 1/4, 433.50 feet to the true point of beginning of this description; thence West parallel with the North line of said SE 1/4 NW 1/4 NE 1/4, 100 feet to a point; thence North parallel with the East line of said SE 1/4 NW 1/4 NE 1/4 to a point on the South boundary of the Chiloquin-Sprague River Road; thence Easterly along the South boundary of said road to a point of intersection of said South boundary of said road with a line parallel to and 265 feet West of East line of the SE 1/4 NW 1/4 NE 1/4 of said Section 35; thence South parallel with the East line of said SE 1/4 NW 1/4 NE 1/4 to the true point of beginning of this description.



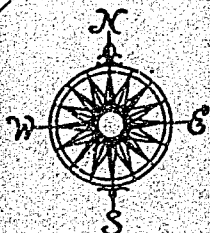
SCOTT SURVEYING

SPECIALIZING IN CONSTRUCTION, ROUTE SURVEYING
PARTITIONS, SUBDIVISIONS, PROPERTY SURVEYS

8905 Hwy 66 • KLAMATH FALLS, OR 97601
541-884-6271 • Fax 541-884-6597

A PORTION OF THE E1/2 W1/2 NE1/4 OF SECTION 35, TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M., KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE C-N-NE 1/64 CORNER OF SECTION 35; THENCE S88-58-50W, 265.00 FEET, ALONG THE NORTH LINE OF THE SE1/4 NW1/4 NE1/4 OF SAID SECTION 35; THENCE LEAVING SAID NORTH LINE S00-47-57W, 57.44 FEET TO A 5/8" REBAR WITH A PLASTIC CAP STAMPED, R. SCOTT S&S SUR PROP COR PLS 2265 ON THE SOUTHERLY RIGHT-OF-WAY OF CHILOQUIN - SPRAGUE RIVER ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING S00-47-57W, 701.13 FEET TO A 5/8" REBAR WITH A PLASTIC CAP STAMPED AS SAID, MARKING A 10.00 FOOT OFFSET REFERENCE POINT FROM THE MEAN HIGH WATER OF THE SPRAGUE RIVER; THENCE CONTINUING S00-47-57W, 10.00 FEET TO THE MEAN HIGH WATER MARK OF SAID SPRAGUE RIVER AND HEREBY REFERRED TO AS POINT " C "; THENCE UPSTREAM IN A NORTHEASTERLY DIRECTION FOLLOWING THE SINOUSITIES OF THE MEAN HIGH WATERMARK OF SAID SPRAGUE RIVER TO A POINT HEREBY REFERRED TO AS POINT " D ", A LINE FROM POINT " C " TO POINT " D " BEARS N59-20-54E, 93.50 FEET; THENCE N08-38-56W, 3.00 FEET TO A POINT MARKED BY A FENCE POST; THENCE CONTINUING N08-38-56W, 361.09 FEET TO A POINT; THENCE N00-47-57E, 304.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CHILOQUIN - SPRAGUE RIVER ROAD; THENCE S86-56-53W, 20.05 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY TO THE POINT OF BEGINNING, CONTAINING 0.60 ACRES MORE OR LESS.

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A PORTION OF THE E1/2 W1/2 NE1/4 OF SECTION 35, TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M., KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE C-N-NE 1/64 CORNER OF SECTION 35; THENCE S88-58-50W, 244.99 FEET, ALONG THE NORTH LINE OF THE SE1/4 NW1/4 NE1/4 OF SAID SECTION 35; THENCE LEAVING SAID NORTH LINE S00-47-57W, 56.73 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF CHILOQUIN - SPRAGUE RIVER ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE S00-47-57W, 304.54 FEET TO A POINT; THENCE LEAVING SAID FENCE POSTLINE S08-38-56E, 361.09 FEET, TO A POINT MARKED BY A FENCE POST; THENCE CONTINUING S08-38-56E APPROXIMATELY 3 FEET TO THE MEAN HIGH WATER MARK OF THE SPRAGUE RIVER HEREBY REFERRED TO AS POINT " A " THENCE UPSTREAM IN A NORTHEASTERLY DIRECTION, ALONG THE SINUOUSITIES OF MEAN HIGH WATER MARK OF THE SPRAGUE RIVER TO A POINT ON THE MEAN HIGH WATER MARK OF SAID SPRAGUE RIVER HEREBY REFERRED TO AS POINT " B ", A LINE FROM SAID POINT " A " TO SAID POINT " B " BEARS N66-58-13E, 26.80 FEET; THENCE LEAVING SAID SPRAGUE RIVER N00-47-20E 14.37 FEET TO A POINT MARKED BY A 5/8" REBAR WITH A PLASTIC CAP STAMPED, R. SCOTT S&S SUR PROP COR PLS 2265; THENCE CONTINUING N00-47-20E, 644.16 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID CHILOQUIN - SPRAGUE RIVER ROAD, MARKED BY A 5/8" REBAR WITH A PLASTIC CAP STAMPED, R. SCOTT S&S SUR PROP COR PLS 2265; THENCE S86-56-53W, 84.36 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY, TO THE POINT OF BEGINNING, CONTAINING 1.04 ACRES, MORE OR LESS.

EXHIBIT B - TITLE QUIETED IN JAMES MORGAN, SR. AND DOROTHY MORGAN

EXHIBIT C
to
JUDGMENT QUIETING TITLE

TOGETHER WITH an easement for road purposes over the following described property in the SE 1/4 NW 1/4 NE 1/4, Sec. 35, T. 34 S., R. 7 E.W.M. Said road is located as follows: Beginning at a point that is 207.5 feet, more or less, West of the Northeast corner of said SE 1/4 NW 1/4 NE 1/4 of said Sec. 35, which point is the southerly right-of-way line of said easement; thence in a Southwesterly direction along the Southerly line of said easement to a point 365 feet, more or less, West of and at right angles to the East line of said SE 1/4 NW 1/4 NE 1/4, said easement to be 20 feet in width. ALSO, an easement over the SE 1/4 NW 1/4 NE 1/4, Sec. 35, T. 34 S., R. 7 E.W.M., beginning at a point that is West of the East line of said SE 1/4 NW 1/4 NE 1/4 365 feet, more or less, said point also being on the Southerly line of the first above described easement; thence East 150 feet, thence North 20 feet, thence West 150 feet, more or less, to the Southerly line of the first above described easement; thence Southwesterly along the Southerly line of the first above described easement to the point of beginning.

State of Oregon, County of Klamath
Recorded 11/22/09, at 2:44 PM
In Vol. M89 Page 46705
Linda Smith,
County Clerk Fees 1.50

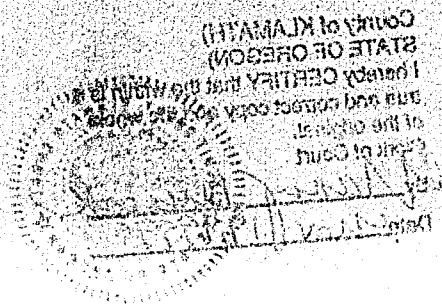


EXHIBIT C
TO
JUDGMENT QUITTING TITLE

State of Oregon, County of Klamath
Recorded 11/22/99, at 8:47 a.m.
In Vol. M99 Page 46195

Linda Smith,

County Clerk

Fee \$ 65⁰⁰

TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES OVER THE FOLLOWING DESCRIBED PROPERTY IN THE SE 1/4 NW 1/4 NE 1/4, Sec. 35, T. 34 N., R. 7 E., W. 1/2 N., said road is located as follows: Beginning at a point that is 307.5 feet, more or less, West of the Northwest corner of said SE 1/4 NW 1/4 NE 1/4 of said Sec. 35, which point is the southerly right-of-way line of said easement; thence in a southeasterly direction along the southerly line of said easement to a point 335 feet, more or less, West of and at right angles to the East line of said SE 1/4 NW 1/4 NE 1/4, said easement to be 20 feet in width; ALSO, an easement over the SE 1/4 NW 1/4 NE 1/4, Sec. 35, T. 34 N., R. 7 E., W. 1/2 N., beginning at a point that is West of the East line of said SE 1/4 NW 1/4 NE 1/4 385 feet, more or less; said point also being on the southerly line of the first above described easement; thence East 150 feet, thence North 20 feet, thence West 150 feet, more or less, to the southerly line of the first above described easement; thence southeasterly along the southerly line of the first above described easement to the point of beginning.

County of KLAMATH)
STATE OF OREGON)

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

Clerk of Court

By Linda Smith

Date Nov 17 1999

