

LAND SALE CONTRACT
AND
CONDITIONAL SALES SECURITY AGREEMENT

THIS CONTRACT and Security Agreement, made as of this 25 day of September, 1992, by R. John Burkett and Mary Ann Burkett, husband and wife, herein called the Vendors, Sellers or Secured Party, whose mailing address is:

Mr. & Mrs. R. John Burkett
P. O. Box 192
Chermult, Or. 97731

and Marlene P. Franklin and GERALYN A. HARRIS, mother and daughter, herein called the Purchasers, Buyers or Debtors, and whose place of business and mailing address is:

Marlene P. Franklin/ GERALYN A. HARRIS
City Center Motel and Video
P. O. Box 64
Chermult, Or. 97731

WITNESSETH:

ARTICLE ONE

11

The Sellers agree to sell and the Purchasers agree to buy the Motel and Video Business and property known as City Center Motel and Video in Chermult and described in Land Sale contract between Mr. & Mrs. Richard E. Jessup and Mr. & Mrs. R. John Burkett dated Sept. 28, 1980, excluding Lots 5& 6 which are part of the Chermult Texaco owned now by Crescent oil co. Subject to conditions in said Land Sale contract.

at and for the purchase price and on the terms and conditions herein set forth which the Purchasers and their respective successors, assigns, grantees, heirs, devisees and legatees jointly and severally agree to pay, perform and observe. The property above described, real and personal, together with any improvements, substitutions, or replacements hereafter made, constructed or placed upon said premises are sometimes referred to herein in whole or in part as the property, premises, security or collateral.

LAND SALE CONTRACT - Page 1

Return to
Mary Ann Burkett
40205 Potter Creek Lane
Springfield, OR 97478
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The total purchase price to be paid by the Purchasers to the Sellers and their successors and assigns is the sum of:

\$185,000.00 to be paid as follows:
\$45,000.00 down payment in real property of 4 Bedroom Mobile Home and land in Crescent, Or. Map and Tax Lot # and account number R 707382 code: 051 R-2408-025A0-02800-000, and Mobile Home in Lantzen Trailer Park Sp. # 1, 1966 NASHUA 12x40 S#AYB2FKW10756. And the balance of \$140,000.00 is to be paid as agreed the balance due to R.E. Jessup of \$87,512.36 as agreed in previous contract and amendments. The following balance of \$52,487.64 will be paid after the balance due to R.E. Jessup is paid off, and the payments will be on the same schedule as before with the exception that the payments will go to the Burkett's at the same interest rate of 11%.

WITNESSETH the hands of the parties as of the year and date hereinabove set forth

R. John Burkett
R. John Burkett

Marlene P. Franklin
Marlene P. Franklin

Mary Ann Burkett
Mary Ann Burkett
P.O. Box 192
Chemult, Or. 97731

Gerald A. Harris
Gerald A. Harris
P.O. Box 64
Chemult, Or. 97731

LAND SALE CONTRACT - Page 2

State of Oregon, County of Klamath
Recorded 07/26/01 at 4:30p. m.
In Vol. M01 Page 37358
Linda Smith,
County Clerk Fee \$ 26⁰⁰

Maria M. Earl
Klamath County
Exp. 6/10/1994

12121104 10
Mary Ann Burkett
Springfield, OR 97478

01 JUL 25 AM 8:49

CIRCUIT COURT OF OREGON
FOR LANE COUNTY

BY: [Signature]

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

1	In the Matter of the Marriage of)	
2)	
3	MARY ANN BURKETT,)	Case No. 15-01-04766
4)	
5	Petitioner,)	
6)	JUDGMENT OF DISSOLUTION
7	and)	OF MARRIAGE
8)	
9	RUTHERFORD JOHN BURKETT,)	
10)	
11	Respondent.)	
12)	

15 THIS MATTER coming on before the Court on a Petition of the Petitioner,
 16 and Respondent having been duly and personally served on April 23, 2001, in
 17 Riverside County, California, and the Court finds the Respondent in default thereof,
 18 which default was entered on May 25, 2001; and the Court finding that irreconcilable
 19 differences between the parties have caused the irremediable breakdown of the
 20 marriage, and the Court having jurisdiction herein;

22 NOW, THEREFORE, IT IS HEREBY ADJUDGED AND DECREED THAT:

23 1.

24 The marriage of the parties is hereby dissolved and said dissolution is
 25 effective on the date the Judgment of Dissolution of Marriage herein is signed.
 26 ///

*Return To
Mary Ann Burkett
40765 Potter Cv Ln
Springfield, OR 97478*

WURTZ & LOGAN
ATTORNEYS AT LAW
315 5TH STREET
MAILING ADDRESS:
P.O. BOX 66
SPRINGFIELD, OREGON
97477-0064
(541) 746-7641

61

2.

1 There have been two children born as issue of this marriage, namely:
2
3 RUTHERFORD JESSIE BURKETT, emancipated, and JENNIFER ANN BURKETT, born
4 August 30, 1981, who is a child regularly attending school.

3.

5 Respondent shall pay child support directly to JENNIFER ANN BURKETT
6
7 in the sum of \$433 per month. Petitioner shall pay child support directly to JENNIFER
8 ANN BURKETT in the sum of \$165 per month. The first of such payments
9 commencing on the 1st day of the first month following the date of the Judgment of
10 Dissolution and on the same day thereafter until said child reaches the age of 21
11 years, is gainfully employed or until order of a court having jurisdiction to establish or
12 modify such payment, whichever shall first occur, provided, however, that said
13 support payments shall continue for a "child attending school" within the meaning of
14 ORS 107.108(4).
15

4.

16 Notice of Income Withholding. The support order is enforceable by
17
18 income withholding under ORS 25.310. Withholding may occur whenever there are
19
20 arrearages at least equal to the support payment for one month, or whenever
21
22 obligated parent requests such withholding. The District Attorney or, as appropriate,
23 the Support Enforcement Division of the Department of Justice will assist you in
24 securing such withholding.

25 Oregon law recognizes that child support and visitation terms are
26 designed for the child's benefit. A parent ordered to pay support must comply with

1 the child support order even if the parent is not receiving the parenting time with the
 2 child that the court allowed. Similarly, a parent with whom the child resides must
 3 comply with visitation orders even if the parent is not receiving the ordered child
 4 support. Violation of child support orders and visitation orders is punishable as
 5 contempt of court. Publicly funded help is available to establish, enforce, and modify
 6 child support orders. Paternity establishment services are also available. Contact the
 7 Department of Human Resources or your local District Attorney for information.
 8

5.

9
 10 Petitioner and Respondent shall provide medical and dental insurance for
 11 the benefit of their child, JENNIFER ANN BURKETT, so long as said medical and dental
 12 insurance is available through his or her employer. The parties shall split the cost of
 13 any uninsured medical, dental, or prescription drug expenses for the child as follows:
 14 Respondent shall pay 70% and Petitioner shall pay 30%.
 15

6.

16
 17 Until there is no longer a child support duty for JENNIFER ANN BURKETT,
 18 Respondent shall maintain a life insurance policy on his life in the amount of \$25,000
 19 in full force and effect naming, JENNIFER ANN BURKETT, as the primary beneficiary.
 20

7.

21
 22 Petitioner shall receive and keep as her sole and separate property, free
 23 and clear of any claims by Respondent the following described property:

24 1. The real property known as 137239 Bitterbrush Lane, Crescent,
 25 Klamath County, Oregon, free and clear of any claim by Respondent, more particularly
 26 described as follows:

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Beginning at a point 220 feet West and 890 feet North of S.W. Corner of the SE1/4 of the NE1/4 of Section 25, Township 24 South, Range 8 E.W.M., thence North parallel with East line of said SE1/4 of the NE1/4 225 feet, thence West parallel with North line of said SE1/4 of the NE1/4 220 feet, thence South parallel with East line of said SE1/4 of the NE1/4 225 feet, thence East parallel with South line of said SE1/4 of the NE1/4 220 feet to the point of beginning.

This Judgment shall serve to transfer any interest Respondent has in the above described property to Petitioner.

2. All personal property currently in her possession.

3. Any interest she may have in any PERS account, IRA accounts, and any bank accounts in her name only.

4. Her interest in the mine known as CAMC 274752-61 3833 CA-921-ZAJ(P), United States Department of the Interior, Bureau of Land Management, California State Office, Claim Name CV #5, CV #6, CV #7, CV #8, CV #9, CV #10, CV #11, CV #12, CV #16 and CV #17. It is Petitioner's intent to transfer her interest in the mine to the parties' daughter, JENNIFER ANN BURKETT.

Respondent shall have and receive as his sole and separate property, free and clear from any claim by Petitioner, the following described property:

1. All personal property currently in his possession.

2. Any interest he may have in any IRA accounts or any other retirement accounts and any bank accounts in his name only.

3. His interest in the mine known as CAMC 274752-61 3833 CA-921-ZAJ(P), United States Department of the Interior, Bureau of Land Management, California State Office, Claim Name CV #5, CV #6, CV #7, CV #8, CV #9, CV #10, CV #11, CV #12, CV #16 and CV #17.

8.

Respondent shall be responsible for the following obligations and shall hold Petitioner harmless therefrom:

1. The Klamath County Ambulance debt in the approximate amount of \$1,400.

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of \$400. 2. The Hurley State Bank (Fred Meyer) debt in the approximate amount

1997. 3. All debts he has incurred since the parties' separation in February

Petitioner shall be responsible for the following obligations and shall hold Respondent harmless therefrom:

1. All debts she has incurred since the parties' separation in February 1997.

9.

Petitioner's attorney is allowed to withdraw as attorney of record.

10.

Those facts required by ORS 107.085(3) are set forth in Exhibit "1" attached hereto and by this reference incorporated in and made a part of this Judgment as though fully set forth herein.

****MONEY JUDGMENT NO. 1****

(a) Judgment Creditor: Jennifer Ann Burkett

(b) Judgment Creditor's attorney: n/a

(c) Judgment Debtor: Rutherford John Burkett

(d) Judgment Debtor's attorney: None

(e) Amount of Judgment: The sum of \$433 per month as child support commencing the first day of the first month following the date of the Judgment of Dissolution and continuing on the 1st day of each month thereafter, until age 21 for a "child attending school" within the meaning of ORS 107.108(4).

(f) Accrued Interest: None

(g) Interest on Judgment: 9% per annum on any unpaid balance.

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****MONEY JUDGMENT NO. 2****

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(a) Judgment Creditor: Jennifer Ann Burkett

(b) Judgment Creditor's attorney: n/a

(c) Judgment Debtor: Mary Ann Burkett

(d) Judgment Debtor's attorney: Merwin C. Logan

(e) Amount of Judgment: The sum of \$165 per month as child support commencing the first day of the first month following the date of the Judgment of Dissolution, and continuing on the 1st day of each month thereafter, until age 21 for a "child attending school" within the meaning of ORS 107.108(4).

(f) Accrued Interest: None

(g) Interest Rate on Judgment: 9% per annum on any unpaid balance.

DATED this 25 day of July, 2001.


Circuit Court Judge

Submitted By:
Merwin C. Logan - OSB #68095
315 Fifth Street, P. O. Box 66
Springfield, Oregon 97477
(541) 746-7641

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

In the Matter of the Marriage of)
MARY ANN BURKETT,) Case No. 15-01-04766
Petitioner,) **RELEVANT DATA**
and) Exhibit "1"
RUTHERFORD JOHN BURKETT,)
Respondent.)

Petitioner's Name: Mary Ann Burkett
Residence or Legal Address: 40705 Potter Creek Rd., Springfield, OR
Date of Birth: April 29, 1957
Social Security Number: 551-31-2148
Number of this Marriage: Second
Respondent's Name: Rutherford John Burkett
Residence or Legal Address: 91-975 Avenue 60, Thermal, CA
Date of Birth: March 9, 1946
Social Security Number: 555-62-2448
Number of this Marriage: Second
Children of this Marriage: Rutherford Jessie Burkett, DOB 1/22/79
Jennifer Ann Burkett, DOB 8/30/81

Relevant Data

CHILD SUPPORT CALCULATOR

19-Sep-94

Joint children: =====>

1

MARY BURKETT
RUTHERFORD BURKETT

	Monthly Income		
	Custodial	Noncustodial	Combined
Gross Income: =====>	\$1,200	\$2,800	
Alimony paid (-) or received (+): >	\$0	\$0	
Nonjoint Children -exclude stepchild:	0	0	
Deductions (OAR 137-50-320 thru 490):	\$0	\$0	
Basic support for Nonjoint Children =>	\$0	\$0	

REBUTTING CRITERIA

Value to Parent:

(Use a minus sign for subtractions) Parent 1 Parent 2
(OAR 137-50-330 (2) (a) (A thru N))

	\$0	\$0	
	\$0	\$0	
	\$0	\$0	
	\$0	\$0	
	\$0	\$0	

Adjusted Gross Income per month =====> \$1,200 \$2,800 \$4,000

% share of income =====> 30.00% 70.00%

Basic support obligation =====> \$549

	Parent 1	Parent 2	
Monthly Child Care =====>	\$0	\$0	\$0
Child Care Subsidy =====>	\$0	\$0	
Monthly Medical Expenses =====>	\$0	\$0	

Total Support Obligation =====> \$549

	Custodial	Noncustodial
Health Insurance Premium =====>	\$70	\$0
Direct Support Contributions =====>		\$0

Each parent's support obligation ===> \$165 \$433

SPLIT CUSTODY

Parent 1 Parent 2

Number of Joint Children in Home =====>	1	1
Prorated Basic Obligation =====>	\$549	\$549
Share of Costs/Expenses =====>	\$35	\$35
Credit for Payments =====>	\$70	\$0
Support Obligation to other party ==>	\$175	\$458
Net Obligation (if applicable) =====>	\$0	\$283

SHARED CUSTODY

Parent 1 Parent 2

Number of Overnights with Parent 2 =====>		128
Allocated Basic Support =====>	\$87	\$374
Share of Costs/Expenses =====>	\$13	\$57
Credit for Payments =====>	\$70	\$0
Support Obligation to other party ==>	\$104	\$433
Net Obligation (if applicable) =====>	\$0	\$329

CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL DOCUMENT CONSISTING OF 8 PAGES, WHICH IS FILED IN THIS OFFICE AND OF WHICH I AM THE LEGAL CUSTODIAN.

DATED 7-25-01

Circuit Court Lane County, Oregon
By [Signature]

State of Oregon, County of Klamath
Recorded 07/26/01 at 4:30 p. m.
In Vol. M01 Page 37360
Linda Smith,
County Clerk Fee \$ 61⁰⁰

Unofficial Copy