

161 DEC 18 PM 2:59

Vol M01 Page 64664

AFTER RECORDING RETURN TO:

Nancy K. Cary
Hershner, Hunter, Andrews, Neill & Smith, LLP
P.O. Box 1475
Eugene, OR 97440
Telephone: (541)686-8511

State of Oregon, County of Klamath
Recorded 12/18/01 2:59 p. m.
Vol M01, Pg 64664-65
Linda Smith, County Clerk
Fee \$ 26.00 # of Pgs 2

001-218

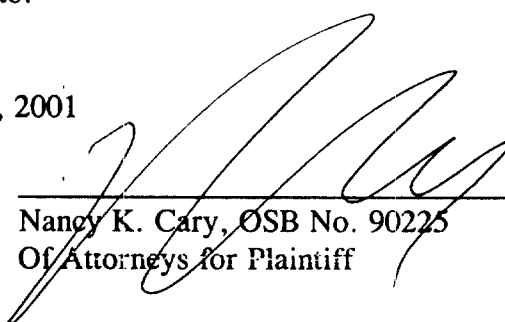
NOTICE OF PENDENCY OF AN ACTION

Pursuant to ORS 93.740, the undersigned states:

1. As plaintiff, The Fishel Company has filed an action in the Circuit Court for Klamath County, State of Oregon, Case No. 0104619CV.
2. The defendant is: 360Networks (USA), Inc.
3. The object of the action is foreclosure of construction lien and breach of contract.
4. The description of the real property to be affected is:

See Exhibit A attached hereto.

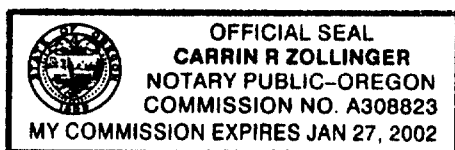
DATED this 17th day of December, 2001

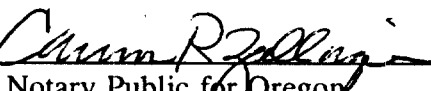


Nancy K. Cary, OSB No. 90225
Of Attorneys for Plaintiff

STATE OF OREGON)
) ss.
COUNTY OF LANE)

The foregoing instrument was acknowledged before me this 17th day of December, 2001, by Nancy K. Cary.





Notary Public for Oregon
My commission expires: 1/27/02

K26-

15630

EXHIBIT "A"
DESCRIPTION OF PROPERTY

That portion of the NW ¼ SE ¼ NE ¼ of Section 28, Township 34 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, lying Westerly of State Highway 97 and Easterly of a dirt road, being more particularly described as follows:

Beginning at an iron pin on the intersection of the Westerly right of way of said Highway 97 and the North line of said NW ¼ SE ¼ NE ¼ of Section 28; thence North 89°14'34" West, 418.97 feet to a point; thence South 10°27' East 370.78 feet to a point; thence South 3°40' West 306.25 feet, more or less, to a point on the South line of said NW ¼ SE ¼ NE ¼ of Section 28; thence South 89°41'56" East 360.13 feet, more or less, along said South line to an iron pin on the Westerly right of way line of said Highway 97; thence Northerly along said highway right of way to the point of beginning.

EXCEPTING from the above described property that portion conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division by Warranty Deed recorded June 26, 1990 in Volume M90 page 12549, Deed records of Klamath County, Oregon.

State of Oregon, County of Klamath
Recorded 05/02/00, at 10:53 a.m.
In Vol. M00 Page 15629
Linda Smith,
County Clerk Fees 26.00

EXHIBIT A
Page 1 of 1