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**AFTER RECORDING RETURN TO:**

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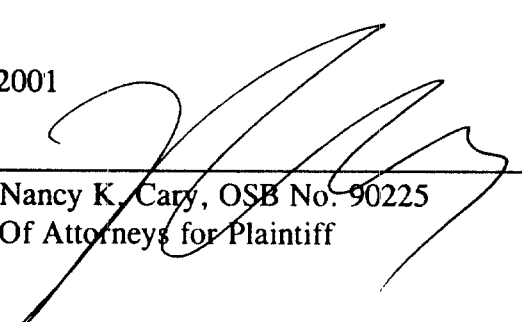
State of Oregon, County of Klamath  
Recorded 12/18/01 2:59 p. m.  
Vol M01, Pg 64666-67  
Linda Smith, County Clerk  
Fee \$ 26.00 # of Pgs 2

**NOTICE OF PENDENCY OF AN ACTION**

Pursuant to ORS 93.740, the undersigned states:

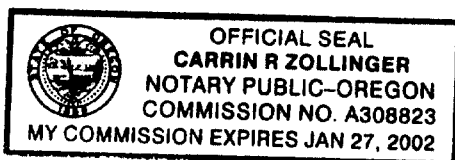
1. As plaintiff, The Fishel Company has filed an action in the Circuit Court for Klamath County, State of Oregon, Case No. 0104620CV.
2. The defendants are: 360Networks (USA), Inc.; Wilbur C. Osterberg; Sharon Osterberg; Richard L. Caudill; Rachel F. Caudill; Bronell Jones and Ruby Geraldine Jones, as trustees under the Jones Family Living Trust; and Level 3 Communications, LLC
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.

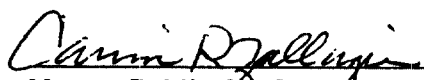
DATED this 17<sup>th</sup> day of December, 2001

  
\_\_\_\_\_  
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 17<sup>th</sup> day of December, 2001, by Nancy K. Cary.



  
\_\_\_\_\_  
Carrin R Zollinger  
Notary Public for Oregon  
My commission expires: 1/27/02

## DESCRIPTION

The following described real property situate in Klamath County, Oregon:

Parcel 1: Beginning at a point on the Westerly right of way line of the Dalles California Highway, which lies S. 19°24' E., a distance of 1005 feet from the iron axel which marks the Southeast corner of Lot 1 Block 7, Chemult, Oregon, and running thence continuing S. 19°24' E. along the Westerly right of way line of the Dalles California Highway a distance of 90 feet and along the arc of a 2°56' curve to the left a distance of 10 feet; thence S. 70°36' W. a distance of 300 feet to an iron pin; thence N. 19°24' W. a distance of 100 feet to an iron pin; thence N. 70°36' E. a distance of 300 feet, more or less, to the point of beginning in the SW ¼ SW ¼ of Section 21, Township 27 South, Range 8 East of the Willamette Meridian.

Parcel 2: A tract of land described as follows: Beginning at a point on the Westerly right of way line of the Dalles California Highway which lies S. 19°24' E. a distance of 1095 feet and along the arc of a 2°56' curve to the left a distance of 10 feet from the iron axel which marks the Southeast corner of Lot 1, Block 7 Chemult, Oregon, and running thence; continuing Southeasterly along the arc of a 2°56' curve to the left a distance of 100 feet to a point; thence S. 70°36' W. a distance of 303.1 feet to an iron pin; thence N. 19°24' W. a distance of 100 feet to an iron pin; thence N. 70°36' E. a distance of 300 feet, more or less, to the point of beginning, in the SW ¼ SW ¼ of Section 21, Township 27 South, Range 8 East of the Willamette Meridian.

Parcel 3: A tract of land described as follows: Beginning at a point on the Westerly right of way line of the Dalles California Highway which lies S. 19°24' E. a distance of 1095 feet and along the arc of a 2°56' curve to the left a distance of 110 feet from the iron axle which marks the Southeast corner of Lot 1 Block 7 Chemult, Oregon, and running thence continuing Southeasterly along the arc of a 2°56' curve to the left a distance of 190.2 feet to an iron pin on the Westerly right of way line of the Dalles California Highway on the South section line of Section 21 Township 27 South, Range 8 E.W. M.; thence S. 89°12' W. along the Section line a distance of 340.9 feet to an iron pin which lines N. 89°12' E. along the Section line a distance of 764.5 feet from the Southeast corner of said Section 21; thence N. 19°24' W. a distance of 81.1 feet to a iron pin; thence N. 70°36' E. a distance of 303.1 feet, more or less, to the point of beginning, in the SW ¼ SW ¼ of Section 21, Township 27 South, Range 8 East of the Willamette Meridian.

Saving and Excepting from the above described parcels that portion thereof, conveyed to the State of Oregon by and thru its State Highway Commission by deed recorded June 22, 1954 in Volume 267 page 446, Deed records of Klamath County, Oregon.