

NOTICE OF LIS PENDENS

TO ALL WHOM THIS MAY CONCERN, notice is hereby given that:

1. An action affecting the title to the real property described below is now pending in the Arbitration Service of Portland, as follows:

John M. Archer,

ASP No.

Claimant,

v.

Richard Bogatay and Nine Pine Properties,

Respondents.

State of Oregon, County of Klamath  
Recorded 08/27/2002 8:39 a m.  
Vol M02, Pg 48216-19  
Linda Smith, County Clerk  
Fee \$ 36.00 # of Pgs 4

1. The parties are: John M. Archer, Claimant  
Richard Bogatay and Nine Pine Properties, Respondents

2. The object of the action is specific performance of a sale agreement or damages. The property effected is as follows:.

COMMON DESIGNATION: 824 Pine Street, Klamath Falls, Oregon  
LEGAL DESCRIPTION: SEE: Exhibits "A", "B", and "1", attached and incorporated herein by reference.

4. All persons are advised that one or more of the parties claim an interest in the above-described real property and that the outcome of the proceeding may have an effect on that claimed interest.

This notice is given pursuant to the provisions of ORS 93.740.

DATED: August 22, 2002

DAVIS, GILSTRAP, HEARN, SALADOFF & SMITH  
A Professional Corporation

Christian E. Hearn  
CHRISTIAN E. HEARN, OSB #91182

Of Attorneys for Claimant John M. Archer

STATE OF OREGON )  
 ) ss:  
County of Jackson )

On August 22, 2002, the foregoing instrument was personally acknowledged before me by Christian E. Hearn.



Dawn Caldwell  
Notary Public for Oregon

My Commission Expires: 8/26/02

After recording return to: Christian E. Hearn; Davis, Gilstrap, Hearn, Saladoff & Smith, P.C.  
515 East Main St., Ashland, OR 97520

rv.

**EXHIBIT A**

Lots 7 and 8 in Block 13 of ORIGINAL TOWN OF LINKVILLE, now city of Klamath Falls, Oregon, according to the official plat thereof on file in the records of Klamath County, Oregon, EXCEPTING the Southeasterly 8 feet thereof heretofore deeded to the City of Klamath Falls for alley purposes.

**SUBJECT TO:**

1. Easement, including the terms and provisions thereof, given by A.M. Collier and Georgia L. Collier, husband and wife, to the California Oregon Power Company, dated June 26, 1940, recorded August 28, 1940 in Vol. 131, page 453, deed records of Klamath County, Oregon.
2. Any unpaid charges or assessments of the City of Klamath Falls for sewer or water services.

**AND:**

Except Reservations, Restrictions, Rights-of-Way, Easements of Records and Those Apparent Upon the Land.

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**EXHIBIT B**

All that portion of Lots 5 and 6 in Block 13 of Original Town of Linkville, now City of Klamath Falls, Oregon, more particularly described in Exhibit #1 attached hereto and made a part hereof.

**EXHIBIT #1**

All that portion of Lots 5 and 6 in Block 13 or Original Town of Linkville, now City of Klamath Falls, Klamath County, Oregon, more particularly described as follows:

Beginning at the most westerly corner of Lot 5 in Block 13 of said addition, being at the intersection of the southeasterly line of Pine Street and the northeasterly line of 8<sup>th</sup> Street, 75 feet;

Thence, northeasterly at right angles to 8<sup>th</sup> Street, 130 feet to a line between Lots 6 and 7 in said Block 13;

Thence, northwesterly on said line, 75 feet to Pine Street;

Thence, southwesterly on Pine Street, 130 feet to the point of beginning.

**EXCEPTING THEREFROM** the following described property:

Beginning at the most westerly corner of said Lot 5 in Block 13 of Original Town of Linkville, now City of Klamath Falls, Oregon, being the intersection of the southeasterly line of Pine Street and northeasterly line of 8<sup>th</sup> Street;

Thence, south 50 degrees 55 feet east along the northeasterly line of 8<sup>th</sup> Street, a distance of 45.01 feet to an "X" set in a concrete sidewalk and the point of beginning of this description.

Thence, north 38 degrees 33 feet east and along the southeasterly edge of a concrete curb, a distance of 67.10 feet to the interior corner of said curb;

Thence, south 52 degrees 07 feet east and along the southeasterly edge of a concrete curb and said curb line extended, a distance of 30.62 feet the northwesterly line of that property described in Deed recorded in Vol. 107 at page 606 of Klamath County, Oregon Deed Records;

Thence, south 39 degrees 05 feet west along the northwesterly line of said property, a distance of 67.74 feet to an "X" set in a concrete sidewalk on the northeasterly line of 8<sup>th</sup> Street;

Thence, north 50 degrees 55 feet west along the northeasterly line of 8<sup>th</sup> Street, a distance of 29.99 feet to the point of beginning of this description.