

NOTICE OF PENDENCY
OF AN ACTION

State of Oregon, County of Klamath
Recorded 01/08/2003 9:40 a. m.
Vol M03 Pg 01228-29
Linda Smith, County Clerk
Fee \$ 26.00 # of Pgs 2

Pursuant to ORS 93.740, the undersigned states:

1. As plaintiff, State of Oregon, by and through its Department of Transportation, has filed an action in the Circuit Court for Klamath County, State of Oregon;
2. The defendants are: Ernst Brothers, LLC, an Oregon limited liability company; Patrick G. Huycke, Trustee of the Huycke, Boyd & Maulding, LLP, 401K Profit Sharing Plan, FBO Patrick G. Huycke,
3. The object of the action is: To acquire interest(s) in the property described below by Eminent Domain;
4. The description of the real property to be affected is as set out in the Exhibit A attached hereto and by this reference made a part hereof;

Dated this 12 day of Nov., 2002

Paul J. Sundermier
Plaintiff's Attorney

Name: STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION, by

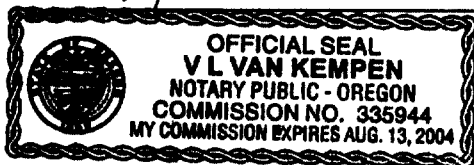
PAUL J. SUNDERMIER
Assistant Attorney General

Address: 1162 Court Street NE
Salem OR 97301-4096

Phone No.: (503) 378-6313

STATE OF OREGON, County of Marion

The foregoing instrument was acknowledged before me this 12th day of November, 2002 by PAUL J. SUNDERMIER.



V.L. Van Kampen
Notary Public for Oregon
My Commission Expires 8/13/2004

After Recording Return To:

Oregon Department of Transportation
Right of Way Section - Condemnation Unit
355 Capitol Street NE, Room 420
Salem OR 97301-3871

ATTN: Monica Akin

EXHIBIT A**File 6951005**

US 97 at Mollie's Restaurant Sec.
The Dalles-California Highway
Klamath County
Drg. No. 10B-16-11
Throughway
NHW 5-10-2002

Ernst Brothers L.L.C.

Fee

A parcel of land lying in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 38 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property designated as Parcel 3 and described in that deed to Ernst Brothers L.L.C., recorded in Book M-00, Page 13950 of Klamath County Record of Deeds; the said parcel being that portion of said property described as follows:

Beginning at the Northeast corner of Section 19; thence Southerly along the East line of Section 19, a distance of 118.415 meters to the Northerly line of that property described in that deed to Alvin M. Hamlin, Trustee and Merry Anne Hamlin, Trustee, recorded in Book M-96, Page 5936 of Klamath County Record of Deeds; thence Westerly along said Northerly line, a distance of 40.300 meters; thence Northerly on a line parallel with and 40.300 meters Westerly of the East line of Section 19, a distance of 32.433 meters; thence Easterly on a line parallel with and 86 meters Southerly of the North line of Section 19, a distance of 5.800 meters; thence Northerly on a line parallel with and 34.500 meters Westerly of the East line of Section 19, a distance of 86 meters to the North line of Section 19; thence Easterly along the North line of Section 19, 34.500 meters to the point of beginning.

The parcel of land to which this description applies contains 4 274 square meters, more or less.