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13th Judicial District

State of Oregon, County of Klamath  
Recorded 11/18/03 9:23 a m  
Vol M03 Pg 85076-81  
Linda Smith, County Clerk  
Fee \$ 46.00 # of Pgs 6

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

JEFFREY CARTER,

Plaintiff,

vs.

CHRISTOPHER SAM POUTOUS, aka  
SAMUEL POUTOUS, and TAMI JO  
RIEDEMANN, fka TAMI JO CARTER and  
TAMI JO BASTIANELLI,

Defendants.

Case No. 03-02465CV

DECREE

THIS MATTER having come before the Court based on plaintiff's Complaint herein,  
defendant Poutous having failed to appear and a default order being entered against him on  
September 12, 2003;

AND the subject proceedings having been dismissed with prejudice against defendant  
Riedeman based on her stipulation with plaintiff;

AND the Court being fully advised in the premises;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That defendant Poutous shall close the subject sale as prayed for in plaintiff's  
complaint. The closing shall occur at the offices of AmeriTitle, 222 S. Sixth Street in Klamath

Decree  
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LAW OFFICES OF  
DAVIS, GILSTRAP, HEARN, SALADOFF & SMITH  
A Professional Corporation  
815 EAST MAIN STREET  
ASHLAND, OREGON 97520  
(541) 482-3111 FAX (541) 488-4485

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1 Falls, OR 97601.. The sale price will be \$225,000 with plaintiff credited for lease payments paid  
2 said defendant totaling \$97,500. The remaining balance of \$127,500 shall be reflected in a  
3 promissory note and trust deed providing for annual installments of not less than \$12,458.24  
4 including interest at 8-1/2% per annum with the first of said payments due one year from the  
5 close of escrow and payment in full 10 years from the close of escrow. Said indebtedness shall  
6 be further secured by a security agreement with financing statements concerning any personal  
7 property owned by plaintiff and situated at the subject real property. At the close of escrow,  
8 defendant Poutous shall pay all property taxes owing as of the close of escrow, as well as the  
9 escrow charges customarily paid by sellers.

10 2. In the event said defendant shall fail to close the transaction as provided above within  
11 30 days of the date of the Decree herein, title to the subject property (described on Exhibit "A"  
12 attached) shall be deemed transferred into the name of plaintiff by operation of law. That  
13 transfer shall take place on the date plaintiff delivers to the Court Clerk a Promissory Note,  
14 recorded Trust Deed, executed Security Agreement, and Financing Statement filed with the  
15 UCC registry at the Oregon Secretary of State's Office. All of said documents must be executed  
16 by plaintiff. From and after said date, plaintiff shall be the owner of the subject property for all  
17 purposes as though having received a fully executed and recorded deed from defendant Poutous.

18 3. In the event title transfers as set forth in section 2 above, plaintiff's annual payments  
19 referred to above shall be disbursed to the following recipients in the following order:

20 A. Payoff of all real property taxes owing against the subject property as of 30  
21 days from the date of the Decree herein;

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1 B. Payoff of the Attorney Fees award and Cost Bill in favor of plaintiff entered  
2 in this proceeding;

3 C. Payoff of that certain trust deed dated November 15, 1991, and recorded  
4 November 19, 1991 in Volume M91, Page 24272, Microfilm Records of Klamath  
5 County, Oregon, in favor of John L. Poutous and Arlette Poutous, and assigned by them  
6 to John L. Poutous, Sr., as Trustee of the Arlette Investment Trust dated December 23,  
7 1980. This disbursement will be made only if said trust deed is not then barred by the  
8 Statute of Limitations.

9 D. Payoff of that certain Federal Tax Lien issued by the Internal Revenue  
10 District for Portland, Oregon, and recorded in the Recorder's Office of Klamath County,  
11 Oregon, on August 20, 1996 in Volume M96, Page 25665, Serial No. 939609300.

12 E. Payoff of those certain Personal Property Tax Warrants No. 20000303  
13 recorded in the Microfilm Records of Klamath County, Oregon, on April 17, 2001 in  
14 Volume M01, Page 16397, No. 2001587 recorded April 18, 2002 in Volume M02, Page  
15 22857, and No. 2002302 recorded April 11, 2003 in Volume M03, Page 22792, all for  
16 Account No. M 57609.

17 F. Payoff of any other encumbrances on title created by defendant Poutous as of  
18 the date of said transfer of title.

19 G. All the residue shall be disbursed to defendant Poutous.

20 4. At such time as plaintiff files with the Clerk cancelled checks representing payment  
21 in full of said promissory note, including interest, paying the above recipients in the above

*Decree*  
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1 order, the Court shall enter an Order herein directing AmeriTitle, as trustee of the trust deed in  
 2 favor of defendant Poutous, to reconvey said trust deed so that plaintiff's title shall be clear of  
 3 same. Plaintiff shall also be entitled to an Order directing the UCC Registry of the Oregon  
 4 Secretary of State's Office to have its records reflect the fact that all security interests created  
 5 herein in favor of defendant Poutous shall be deemed terminated for all purposes.

### 6 MONEY JUDGMENT

7 Pursuant to ORCP 70, the Court enters judgment as follows:

8 1. Judgment Creditor and Creditor's Attorney

9 Jeff Carter, P O Box 179, Napa, CA 94558

10 Jack Davis, Attorney at Law, 515 E. Main Street, Ashland, OR 97520

11 2. Judgment Debtor: Christopher Sam Poutous

12 2012 Crater Lake Avenue #C  
 13 Medford OR 97504

14 Judgment Debtor's Attorney:

15 N/A

16 3. Judgment Amount:

17 \$ -0-

18 4. Interest owed to date of the judgment:

19 -0-

20 5. Post-judgment interest accrual:

21 9% per annum from date of entry of judgment until paid.

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*Decree*  
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1           6.     Any accrued arrearages, required further payments for period, and accrual dates:

2                 N/A

3           7.     The specific claims for which any attorney fees are awarded and the amount of  
4                 attorney fees awarded for each claim:

5                 Specific Performance of Lease/Option Agreement:

6                 \$4,750.00

7           8.     Award of costs and disbursements:

8                 \$1,260.50.

9                 DATED this 12<sup>th</sup> day of November, 2003.

10                                 /s/ Richard B. Rambo  
11                                 CIRCUIT COURT JUDGE

12     Prepared by:

13     JACK DAVIS, OSB 75090  
14     DAVIS, GILSTRAP, HEARN,  
15     SALADOFF & SMITH  
16     A Professional Corporation  
17     515 E MAIN STREET  
18     ASHLAND OR 97520  
19     (541) 482-3111  
20  
21

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL 1:**

The NW1/4 of the NE1/4; and the S1/2 of the NE1/4, of Section 7, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL 2:**

The East one-half of the NW1/4 of Section 7, Township 36 South, Range 12, East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL 3:**

The West one-half of the SE1/4 of Section 6, Township 36 South, Range 12, East of the Willamette Meridian, Klamath County, Oregon.

**EXCEPTING THEREFROM:**

Beginning at the SW corner of the SE1/4 of Section 6, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, thence East along the South line of said Section 6, a distance of 160 feet to the point of beginning; thence continuing East 100 feet; thence North 2640 feet, more or less, to the North line of the SE1/4 of said Section 6; thence West 100 feet; thence South 2640 feet, more or less, to the true point of beginning.

County of KLAMATH)  
STATE OF OREGON)

I hereby certify that the within is a  
true and correct copy and  
of the original.

Clerk of Court

By

Date

*[Signature]*  
11-13-03

