

AFTER RECORDING, RETURN TO:

William M. Ganong
Attorney at Law
514 Walnut Avenue
Klamath Falls OR 97601

State of Oregon, County of Klamath
Recorded 08/10/04 8:36a m
Vol M04 Pg 52414-15
Linda Smith, County Clerk
Fee \$ 26.00 # of Pgs 2

NOTICE OF PENDENCY OF AN ACTION

Pursuant to ORS 93.740, the undersigned states:

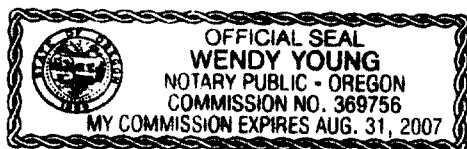
1. As plaintiff, Klamath Irrigation District, has filed a suit in the Circuit Court for Klamath County, State of Oregon, Case No. 0402775 CV;
2. The defendants are State of Oregon, acting by and through the Department of Veterans' Affairs, Sam A. Henzel, Thurston K. Henzel, James M. Evans, Trudi D. Evans, and Neal G. Buchanan.
3. The object of the action is to foreclose the Notice of Lien for irrigation district charges, interest, and fees recorded in Volume M04 at Page 27910-13 of the records of the Clerk of Klamath County, Oregon.
4. The description of the real property to be affected is more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

Dated this 6th day of August, 2004.

William M. Ganong
William M. Ganong, OSB No. 78213
Attorney for Plaintiff
514 Walnut Avenue
Klamath Falls OR 97601
541/882-7228

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 6th day of August, 2004 by William M. Ganong, as attorney for plaintiff, Klamath Irrigation District.



Wendy Young
Notary Public for Oregon
My Commission Expires: 8-31-2007

Klamath Irrigation District v. State of Oregon, DVA

Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

Parcel 1:

A parcel of land situated in Sections 20, 21, 28 and 29 in Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the point of intersection of the Northeasterly right of way line of State Highway No. 39 (Merrill Hwy) and the section line common to said Sections 28 and 29; thence Northwesterly along said Northeasterly right of way line to the West line of the SE 1/4 SE 1/4 of said Section 20; thence Northerly along said West line to the centerline of the U. S. B. R. No. 5 Drain; thence Easterly along said drain to the section line common to said Sections 20 and 21; thence along said section line, S. 0°15'47" E. 53.8 feet, more or less, to the point of intersection of a 30 foot wide and a 20 foot wide road easement, said point of intersection being the Southwest corner of Parcel No. 2 of Minor Land Partition No. 34-82; thence along the centerline of said 20 foot wide road easement, N. 82°24'23" E. 161.50 feet; thence continuing along said centerline N. 55°04'31" E. 20.01 feet to a point on the centerline of the U. S. B. R. No. 5-H Drain; thence Southerly along said centerline of said 5-H Drain the following courses and distances: S. 57°27'52" E. 1202.90 feet to an angle point in said 5-H Drain; S. 8°13'49" W. 720 feet, more or less; S. 8°27'19" W. 864.97 feet; S. 38°35'09" W. 293.19 feet, more or less, to said Northeasterly right of way line of State Highway No. 39; thence Northwesterly along said right of way line to the point of beginning. Tax Account Nos. 98815 and 774647

Parcel 2:

A parcel of land situated in the SW 1/4 of Section 21, Township 40 South, Range 10 E. W. M., Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the West line of said Section 21, from which an aluminum survey cap marking the section corner common to Sections 20, 21, 28 and 29 T. 40 S., R. 10 E. W. M. bears S. 0°15'47" E., 1005.37 feet; thence along the centerline of a 20 foot wide road easement the following courses and distances: 1) N. 82°24'23" E., 1616.50 feet; 2) N. 55°04'31" E., 501.99 feet; 3) N. 49°46'20" E., 108.36 feet; 4) N. 38°36'01" E., 66.71 feet; 5) N. 40°46'40" W., 32.49 feet to a point on the centerline of the U. S. B. R. No. 5 Drain; thence leaving said easement centerline and continuing along said No. 5 Drain the following courses and distances: 1) N. 53°44'39" E., 44.23 feet; 2) N. 86°20'21" E., 426.98 feet; 3) N. 32°05'57" E., 46.23 feet; 4) N. 01°16'58" E., 154.64 feet; 5) N. 37°38'55" W., 325.72 feet; 6) N. 11°06'48" E., 250.00 feet; 7) N. 25°36'48" E., 160.00 feet; 8) N. 12°53'12" W., 130 feet, more or less to the confluence of Lost River; thence upstream along the right bank of said Lost River to a point on the West line of said Section 21; thence along said West line of Section 21, S. 0°15'47" E., 1620 feet, more or less, to the point of beginning.

TOGETHER WITH: A non-exclusive 30 foot wide road easement, for ingress and egress over and across the following described centerline; beginning at the intersection of the Northeasterly right of way line of State Highway No. 39 (Merrill Hwy) and the West line of said Section 28; thence Northerly along said West line of Section 28 to an aluminum survey cap marking the section corner common to said Sections 20, 21, 28 and 29; thence along the East line of said Section 20, N. 0°15'47" W. 1005.37 feet to a point on the centerline of a 20 foot wide road easement, said point being the Southwest corner of Parcel No. 3 of Minor Land Partition No. 34-82; thence along said 20 foot wide road easement centerline N. 82°24'23" E. 161.50 feet; thence continuing along said centerline N. 55°04'31" E. 20.01 feet to a common point of the above-described parcel and Parcel No. 2 of Minor Land Partition No. 34-82.

ALSO TOGETHER WITH: A non-exclusive easement 30 feet wide lying South of and adjacent to the South boundary of the U. S. B. R. #5 Drain, said South boundary of drain being also the Northerly boundary of the above-described property. Said easement running from the West boundary of the SE 1/4 SE 1/4 of Section 20 to the East boundary of the SW 1/4 SW 1/4 of Section 21, Township 40 South, Range 10 E. W. M. Tax Account No. 787492