

**2014-005680**

**Klamath County, Oregon**

**05/28/2014 03:26:20 PM**

**Fee: \$102.00**

MC9552G1

**RECORDING COVER SHEET**

THIS COVER SHEET HAS BEEN PREPARED  
BY THE PERSON REPRESENTING THE  
ATTACHED INSTRUMENT FOR RECORDING.  
ANY ERRORS IN THIS COVER SHEET DO NOT  
AFFECT THE TRANSACTION(S) CONTAINED  
IN THE INSTRUMENT ITSELF.

**After Recording, Return To:**

Amerititle

Attn: Cherice Treasure

300 Klamath Avenue

Klamath Falls, OR 97601

**1. Name(s) of the Transaction(s):**

Stipulated Order authorizing sale of debtor's real property free and clear of liens and other  
interests

**2. Grantor:**

Four A's Ranch, Inc., an Oregon corporation

**3. Grantee: None**

102.00

May 07, 2014


Clerk, U.S. Bankruptcy Court

1  
2 Below is an Order of the Court.

3  
4 **Certified to be a true and correct  
copy of the original filed in my office.**

5 Dated 5-16-14  
6 **Charlene Hiss, Clerk, U.S. Bankruptcy Court**

7 By M. Reed Deputy



THOMAS M. RENN  
U.S. Bankruptcy Judge

8  
9  
10 **IN THE UNITED STATES BANKRUPTCY COURT**  
11 **FOR THE DISTRICT OF OREGON**

12 In re:

13 Four A's Ranch, Inc., an Oregon  
14 corporation,

15 Debtor.

Case No. 14-60031-tmr7

**STIPULATED ORDER  
AUTHORIZING SALE OF  
DEBTOR'S REAL PROPERTY  
FREE AND CLEAR OF LIENS  
AND OTHER INTERESTS**

16 A hearing was held on April 29, 2014, to consider the Motion for Authority to Sell  
17 Property Free and Clear of Liens [ECF Doc #34] ("Motion") filed by Candace Amborn, in  
18 her capacity as the Chapter 7 Trustee herein (the "Trustee"). Based on the record of this  
19 case, including the Declaration of Cherice Treasure filed on May 2, 2014 [ECF Doc #43], the  
20 Court finds and concludes that (i) one or more of the conditions set forth in §363(f) of the  
21 Bankruptcy Code have been satisfied for selling the Debtor's real property as described on  
22 the title report attached as Exhibit A and commonly known as the 162 acre gravel pit located  
23 at 37815 McCartie Lane, Bonanza, Oregon ("Property"), free and clear of liens and other  
24 interests with regard to each entity that has or claims to have a lien on or security interest in  
25 such property, and (ii) the Trustee has demonstrated a sound business justification for selling  
26 the Property.

GARTLAND, NELSON,  
MCCLEERY & WADE, P.C.

Attorneys at Law  
44 Club Road, Suite 200  
Post Office Box 11230  
Eugene, OR 97440-3430  
(541) 344-2174  
FAX: (541) 344-0209

1 IT IS THEREFORE ORDERED that:

2 1. The Trustee is hereby authorized under §363(b) of the Bankruptcy Code to sell  
3 the Property to Cascade Aggregate Resources, LLC ("Cascade Aggregate") for a sales price  
4 of \$275,000, representing \$25,000 for the mined aggregate and \$250,000 for the land. In  
5 addition, Cascade Aggregate, Rocky Mountain Construction, LLC ("Rocky Mountain"), and  
6 Jamie and Sherri Jackson, shall jointly and severally release all claims against the bankruptcy  
7 estate and its assets, including but not limited to Rocky Mountain's Proof of Claim No. 5 in  
8 the amount of \$477,299.49, which will be withdrawn.

9 2. At closing, \$25,000 will be paid to the bankruptcy estate from the sale  
10 proceeds. The remaining sale proceeds, after commissions and closing costs, shall be  
11 disbursed to the first position lien holder ReProp Financial Mortgage Investors, LLC.

12 3. Pursuant to §363(f) of the Bankruptcy Code, the Property shall be transferred to  
13 Cascade Aggregate free and clear of all liens, encumbrances, and other interests, whether  
14 imposed or created by agreement, statute, law, equity or otherwise.

15 4. The Trustee is authorized to take all actions necessary to effectuate the relief  
16 granted by this Order.

17 5. Notwithstanding Bankruptcy Rule 6004(h), this Order shall be effective  
18 immediately upon its entry.

19 6. This Court retains jurisdiction with respect to all matters arising from or related  
20 to the implementation of this Order.

21 ###

22 IT IS SO STIPULAED:

23 OLSENDAINES, P.C.

24 By: /s/ Rex Kyle Daines

25 REX KYLE DAINES (OSB No. 952442)  
26 Of Attorneys for Debtor

GARTLAND, NELSON, McCLEERY & WADE, P.C.

By: /s/ P. Scott McCleery

P. SCOTT McCLEERY (OSB No. 850650)  
Of Attorneys for Candace Amborn, Trustee

GREENE & MARKLEY, P.C.

By: /s/ Stephen Philip Arnot

STEPHEN PHILIP ARNOT (OSB No. 070765)  
Of Attorneys for Creditor ReProp Financial Mortgage  
Investors, LLC

BRANDSNESS BRANDSNESS & RUDD, P.C.

By: /s/ Andrew C. Brandsness

ANDREW C. BRANDSNESS (OSB No. 831597)  
Of Attorneys for Creditors Rocky Mountain  
Construction, LLC, Cascade Aggregate Resources,  
LLC, and Jamie and Sherri Jackson

Submitted by:

GARTLAND, NELSON, McCLEERY & WADE, P.C.

By: /s/ P. Scott McCleery

P. SCOTT McCLEERY (OSB No. 850650)  
Of Attorneys for Candace Amborn, Trustee

P. Scott McCleery (OSB No. 850650)  
[scottm@gartlandnelsonlaw.com](mailto:scottm@gartlandnelsonlaw.com)  
Gartland, Nelson, McCleery & Wade, P.C.  
44 Club Road, Suite 200  
P.O. Box 11230  
Eugene, OR 97440-3430  
Telephone: (541) 344-2174  
Facsimile: (541) 344-0209

cc: ECF Participants

Escrow Officer: CHERICE TREASURE  
Email: [chericet@ameri-title.com](mailto:chericet@ameri-title.com)  
Direct Line: (541) 883-7929

Title Officer: ROBERT M. LEYRER  
Email: [bobl@ameri-title.com](mailto:bobl@ameri-title.com)  
Direct Line: (541) 883-7965



SUMMIT REAL ESTATE  
31990 HIGHWAY 70  
BONANZA, OR 97623

Attn: BOB BACON

Date: May 1, 2014  
Escrow Number: MT99552-CT  
Escrow Officer: CHERICE TREASURE  
Title Number: 0099552  
Title Officer: ROBERT M. LEYRER

**PRELIMINARY TITLE REPORT FOR:  
CASCADE AGGREGATE RESOURCES, LLC**

**REPORT NO. 5**

**Policy or Policies to be issued:**  
STANDARD OWNER'S POLICY

**Liability**  
\$350,000.00

**Premium**  
\$1,050.00

(Government Service Fee \$15.00 per tax lot, per district)

We are prepared to issue ALTA (6/17/06) title insurance policy (ies) of *Chicago Title Insurance Company* in the usual form and amounts above, insuring the title to the land described as follows:

**Parcel 1 of Land Partition 23-13, replat of Parcel 2 of Land Partition 28-10 situated in the W1/2 and SE1/4 of Section 5, the E1/2 of Section 6, the NE1/4 of Section 7 and the N1/2 of Section 8, Township 39 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon recorded January 3, 2014 in Volume 2014-000054, Microfilm Records of Klamath County, Oregon.**

And dated as of April 30, 2014 at 8:00 A.M., title is vested in:

**FOUR A'S RANCH, INC.**

The estate or interest in the land described or referred to in this Report and covered herein is:

**FEE SIMPLE**

**This report is preliminary to the issuance of title insurance and shall become null and void unless a policy is issued and the full premium therefore paid.**

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

**GENERAL EXCEPTIONS:**

1. *Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceeding by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.*
2. *Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.*
3. *Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.*
4. *Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.*
5. *Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.*
6. *Unpatented mining claims whether or not shown by the public records.*

**SPECIAL EXCEPTIONS:**

7. Intentionally deleted
8. Intentionally deleted
9. Intentionally deleted
10. Intentionally deleted
11. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.
12. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Lake Grazing Fire Patrol.
13. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Lake Timber Fire Patrol.
14. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Langell Valley Irrigation District.

15. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Horsefly Irrigation District.
16. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
17. Intentionally deleted
18. Intentionally deleted
19. Conditional Use Permit Restrictive Covenant, subject to the terms and provisions thereof;  
Dated: April 18, 1997  
Recorded: April 18, 1997  
Volume: M97, page 11747, Microfilm Records of Klamath County, Oregon  
(Affects Land Partition 24-97)
20. Intentionally deleted
21. State of Oregon Well Information Form, subject to the terms and provisions thereof;  
Recorded: January 28, 2004  
Volume: M04, page 05176, Microfilm Records of Klamath County, Oregon  
Well ID No.: L60111  
Property Owner: 4 A's Ranch
22. Trust Deed, Assignment of Leases and Rents, Security Agreement and Fixture Filing, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;  
Dated: April 1, 2009  
Recorded: April 8, 2009  
Volume: 2009-004933, Microfilm Records of Klamath County, Oregon  
Amount: \$2,000,000.00  
Grantor: Four A's Ranch, Inc.  
Trustee: AmeriTitle  
Beneficiary: ReProp Financial Mortgage Investors, LLC, a California LLC  
(with other property)

Appointment of Successor Trustee, as disclosed by instrument;

Dated: February 14, 2011  
Recorded: February 24, 2011  
Volume: 2011-002481, Microfilm Records of Klamath County, Oregon  
New Trustee: Jeffrey A. Hill

Substitution of Trustee as disclosed by instrument;

Dated: March 15, 2013  
Recorded: March 26, 2013  
Volume: 2013-003194, Microfilm Records of Klamath County, Oregon  
New Trustee: Gary L. Blacklidge

(Exception #22 Continued)

Notice of Default and Election to Sell, subject to the terms and provisions thereof;

Recorded: March 26, 2013

Volume: 2013-003201, Microfilm Records of Klamath County, Oregon

Set for sale: August 22, 2013

Affidavit of Mailing, subject to the terms and provisions thereof;

Recorded: November 12, 2013

Volume: 2013-012619, Microfilm Records of Klamath County, Oregon

Affidavit of Mailing, subject to the terms and provisions thereof;

Recorded: January 3, 2014

Volume: 2014-000019

23. Subordination and Attornment Agreement and Rent Directive, subject to the terms and provisions thereof;

Dated: April 1, 2009

Recorded: April 8, 2009

Volume: 2009-004934, Microfilm Records of Klamath County, Oregon

Tenant: Bonanza Rock, LLC

Lender: ReProp Financial Mortgage Investors, LLC

(with other property)

24. Financing Statement, subject to the terms and provisions thereof;

Recorded: April 8, 2009

Volume: 2009-004935, Microfilm Records of Klamath County, Oregon

Debtor: Four A's Ranch, Inc.

Secured Party: ReProp Financial Mortgage Investors, LLC

(with other property)

25. Restrictive Covenant, subject to terms and provisions thereof;

Recorded: June 30, 2011

Volume: 2011-007845, Microfilm Records of Klamath County, Oregon

26. Intentionally deleted

27. Mining Labor and Material Lien for the amount herein stated including costs;

Recorded: February 4, 2013

Volume: 2013, page 001261, Microfilm Records of Klamath County, Oregon

Amount: \$630,531.20

Claimant: Rocky Mountain Construction, LLC, an Oregon limited liability company

28. Intentionally deleted.

29. Restrictive Covenant Conditional Use Permit, subject to the terms and provisions thereof;

Dated: July 12, 2013

Recorded: July 12, 2013

Volume: 2013-007908, Microfilm Records of Klamath County, Oregon



30. A certified copy of the Board of Director's resolution authorizing Four A's Ranch, Inc., sale, deed, by the corporation must be furnished for examination.
31. Financing Statements or Federal Tax Liens, if any filed with the Secretary of State.
32. Intentionally deleted.
33. Easements as dedicated or delineated on the recorded land partition plat no. 23-13  
For: Existing gravel road
34. Pending Bankruptcy proceedings in the U.S. Bankruptcy Court for the District of Oregon, was filed on January 7, 2014, entitled:  
In Re: Four A's Ranch, Inc., an Oregon Corporation, debtor  
Case No.: 14-60031-tmr7  
Attorney for debtor: Rex K. Daines

Any transactions involving this property must be made pursuant to a confirmed plan or by proper bankruptcy court order. Such an order will be subject to a 14 day automatic stay unless otherwise ordered by the court.

#### End of Exceptions

**NOTE A:** Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

**NOTE B:** This report does not include a search for financing statements filed in the office of the Secretary of State of this or any other State and no liability is assumed if a financing statement is filed in the office of the County Clerk (Recorder) wherein the lands are described other than by metes and bounds, under the rectangular survey system, or by lot and block.

**NOTE C:** A copy of the Articles of Organization of Rocky Mountain Construction, LLC (a limited liability company) along with its Operating Agreement and a certification as the identity and authority of the persons who will be consummating the proposed transaction on behalf of the company must be furnished to AmeriTitle for examination. Please do so at least 10 days before closing.

**NOTE D:** A copy of the Articles of Organization of Cascade Aggregate Resources, LLC (a limited liability company) along with its Operating Agreement and a certification as the identity and authority of the persons who will be consummating the proposed transaction on behalf of the company must be furnished to AmeriTitle for examination. Please do so at least 10 days before closing.

**NOTE E:** The following deed(s) affecting said land were recorded within 24 months of the date of report: NONE

**NOTE F:** Taxes for the fiscal year 2013-2014 paid.

Account No:	3912-00000-01100-000	Key No:	599686
Amount:	\$473.27	Code No:	028
Account No:	3912-00000-01100-000	Key No:	608630
Amount:	\$1,693.34	Code No:	056
Account No:	3912-00000-01100-000	Key No:	896882
Amount:	\$762.58	Code No:	036
Account No:	3912-00700-00100-000	Key No:	608596
Amount:	\$335.51	Code No:	056
Account No:	3912-00700-00100-000	Key No:	892582
Amount:	\$27.16	Code No:	028
Account No:	3912-00700-00400-000	Key No:	608603
Amount:	\$1,605.36	Code No:	056

**NOTICE:** This Preliminary Title Report has been supplemented to delete trust deed items 28 and 32.

**AmeriTitle**

By:  ROBERT M. LEYRER  
Title Officer

\*\*\*END\*\*\*

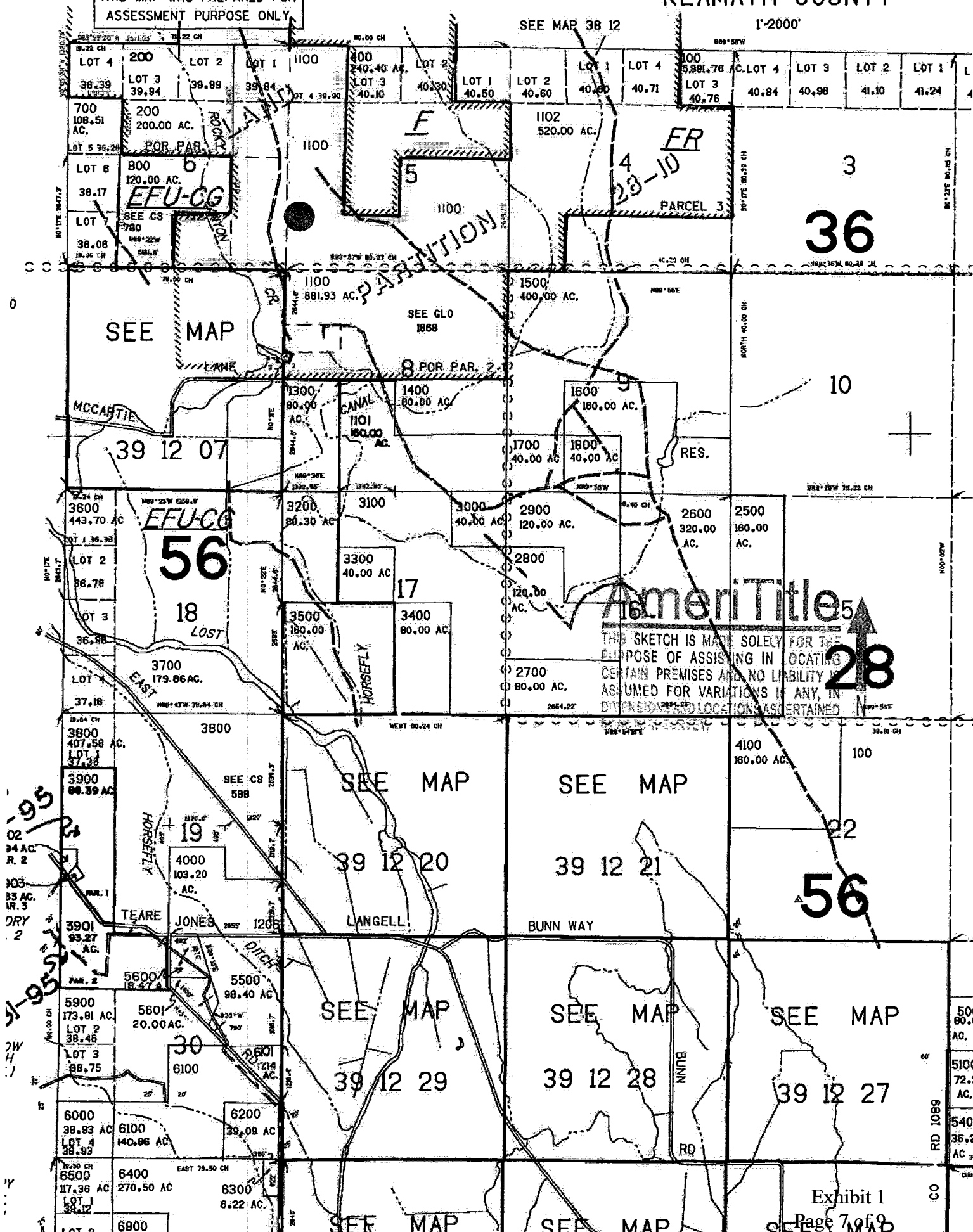
**MISSION STATEMENT**

***"Superior Service with Commitment and Respect for Customers and Employees"***

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SEE MAP 38 12

1"=2000'



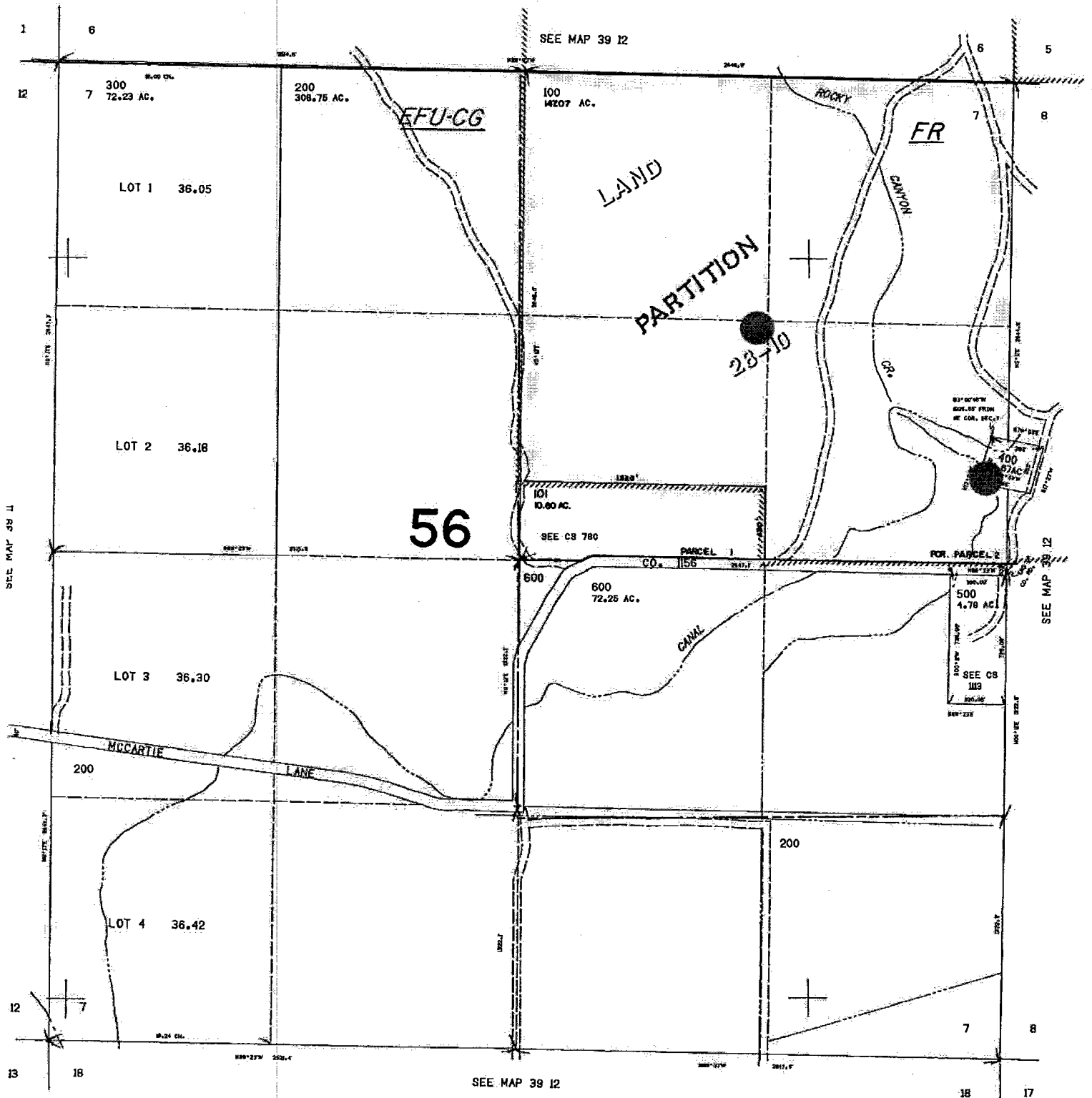
THIS SKETCH IS MADE SOLELY FOR THE  
PURPOSE OF ASSISTING IN LOCATING  
CERTAIN PREMISES AND NO LIABILITY IS  
ASSUMED FOR VARIATIONS IF ANY, IN  
DIMENSIONS OR LOCATION AS DETERMINED

VIDED 7-22-10

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SECTION 07 T.39S. R.12E. W.M.  
KLAMATH COUNTY

1"=400'



AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE  
PURPOSE OF ASSISTING IN LOCATING  
CERTAIN PREMISES AND NO LIABILITY IS  
ASSUMED FOR VARIATIONS IF ANY, IN  
DETAILED LOCATIONS ASCERTAINED  
BY A SURVEY.

Exhibit 1

# SURVEYOR'S CERTIFICATE

FOR FOUR A'S RANCH, INC.  
REPLAT OF PARCEL 2 OF LAND PARTITION 28-10  
IN THE W½ & SE¼ OF SEC. 5, THE E½ OF SEC. 6,  
THE NE¼ OF SEC. 7 AND THE N½ OF SEC. 8, T39S, R12EWM  
KLAMATH COUNTY, OREGON

2014-000054