

2019-005479

Klamath County, Oregon

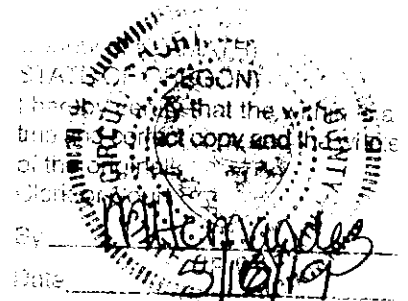


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19CV00681



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

LYLE D. BERGSTROM and PATRICIA A.
BERGSTROM, husband and wife,

Plaintiffs,

vs.

THE HEIRS AND DEVISEES OF KENNETH J.
BABBITT, BRANDON ADAMS, KENNETH COLBY
BABBITT, and all parties known or
unknown claiming any right, title or
interest in the real property subject of
this action,

Defendants.

Case No. 19CV00681

GENERAL JUDGMENT

QUIETING TITLE

(CORRECTED)

THIS MATTER coming on before the Court with reference to
Plaintiffs' Motions for default, and good cause appearing
therefore, now, therefore

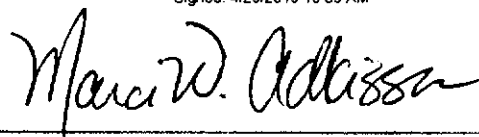
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs,
LYLE D. BERGSTROM and PATRICIA A. BERGSTROM, husband and wife
are declared to be the owners in fee simple of that certain real
property located in the County of Klamath, State of Oregon,
civilly described as 109 Del Fatti Lane, Klamath Falls, Oregon,

Neal Buchanan
Returned at Counter

1 and legally described on Exhibit A-1 and A-2 attached hereto and
2 incorporated by this reference herein as though fully set forth,
3 and entitled to possession thereof, free of any estate, title,
4 claim, lien or interest of Defendants, or those claiming under
5 Defendants; and title is quieted in the said real property in
6 LYLE D. BERGSTROM and PATRICIA A. BERGSTROM, husband and wife;
7 and
8

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that THE HEIRS
10 AND DEVISEES OF KENNETH J. BABBITT, BRANDON ADAMS, KENNETH COLBY
11 BABBITT, and all parties known or unknown claiming any right,
12 title or interest in the real property subject of this action
13 and those claiming under Defendants are enjoined from asserting
14 any estate, title, claim, lien or interest in the said real
15 property or any portion thereof.
16
17
18

Signed: 4/29/2019 10:39 AM



Circuit Court Judge Marci W. Adkisson

23 Submitted by:
24 NEAL G. BUCHANAN, OSB #771277
25 Attorney for Plaintiffs
26 435 Oak Avenue
27 Klamath Falls, Oregon 97601
28 (541) 882-6607

EXHIBIT 'A'

File No. 269706AM

PARCEL 1: A parcel of land situate in the S1/2 SW1/4 of Section 30, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Commencing at a point of intersection of the section line marking the Southerly boundary of the said Section 30, with a line parallel with and 50.00 feet distant at right angles Southeasterly from the center line of the Klamath Falls Midland section of the Oregon State Highway, as the same is now located and constructed from which point of intersection the Southwesterly corner of said Section 30 bears South 89°42 1/2' West 827.1 feet more or less distant and running thence North 89°42 1/2' East 517.57 feet along said Section line to the true point of beginning of this description and running thence North 0°17' West 130.0 feet; thence South 89°42 1/2' West 74.32 feet more or less to a point in a line parallel with and 325.00 feet distant at right angles Southeasterly from the said center line of the Oregon State Highway; thence North 36°49 1/2' East along said parallel line 188.11 feet; thence North 89°42 1/2' East parallel with said section line 110.81 feet; thence South 0° 17 1/2' East 280.00 feet more or less to a point in said Section line; thence South 89°42 1/2' West 150.00 feet more or less along said Section line to the said true point of beginning.

PARCEL 2: A tract of land situate in the S1/2 SW1/4 of Section 30, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Commencing at the point of intersection of the section line marking the Southerly boundary of said Section 30 with a line parallel with and 50 feet distant at right angles Southeasterly from the center line of the Klamath Falls-Midland Section of the Oregon State Highway as the same is now located and constructed, from which point of intersection the Southwesterly corner of said Section 30 bears South 89°42 1/2' West 827.1 feet more or less, distant and running thence North 89°42 1/2' East 667.57 feet along said section line to the true point of beginning of the tract to be herein described; thence North 0°17 1/2' West 280 feet; thence North 89°42 1/2' East and parallel with said section line 50 feet to a point; thence South 0°17 1/2' East 280.00 feet more or less to a point in said Section line; thence South 89°42 1/2' West 50 feet more or less along aid section line to said true point of beginning.

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Stewart Title Guaranty Company

PARCEL 3: A tract of land in the S1/2 SW1/4 of Section 30, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Commencing at a point of intersection of the section line marking the Southerly boundary of said Section 30 with a line parallel with and 50 feet distant at right angles Southeasterly from the center line of the Klamath Falls Midland Section of the Oregon State Highway as the same is now located and constructed from which point of intersection the Southwesterly corner of said Section 30 bears South 89°42 1/2' West 827.1 feet more or less and distant and running thence North 89°42 1/2' East 717.57 feet along said section line to the true point of beginning of the tract herein to be described; thence North 0°17 1/2' West 280 feet; thence North 89°42 1/2' East and parallel with said section line 150 feet to a point; thence South 0°17 1/2' East 280.00 feet more or less to a point in said Section line; thence South 89°42 1/2' West 150 feet more or less along said section line to said true point of beginning.

~~EXHIBIT~~ A-2

Stewart Title Guaranty Company

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

LYLE D. BERGSTROM and PATRICIA A.
BERGSTROM, husband and wife,

Plaintiffs,

vs.

THE HEIRS AND DEVISEES OF KENNETH J.
BABBITT, BRANDON ADAMS, KENNETH COLBY
BABBITT, and all parties known or
unknown claiming any right, title or
interest in the real property subject of
this action,

Defendants.

Case No. 19CV00681

**CERTIFICATE OF
READINESS
UTCER 5.100**

Certificate of Readiness under UTCR 5.100

I certify this proposed judgment/order is ready for judicial signature
because (check all that apply):

☒ Service is not required under UTCR 5.100 because:

- a. ☐ this judgment /order is being submitted in **open court** with
all parties present
- b. ☐ this judgment/order is submitted **ex parte** as allowed by
statute or rule
- c. ☐ this is a proposed judgement subject to UTCR 10.090
- d. ☐ this is an uncontested probate or protective proceeding
- e. ☐ this is a matter certified to the Court under ORS 416.422,
etc.
- f. ☒ the other party has been found in **default** or an order of
default is being requested with this proposed judgment/order;

This proposed order or judgment is ready for judicial signature
because:

1. ☐ Each party affected by this order or judgment has **stipulated**
to the order or judgment as shown by each party's signature on
the document being submitted
2. ☐ Each party affected by this order or judgment has approved
the order or judgment, as shown by each party's signature on
the document being submitted or by written confirmation of
approval sent to me
3. ☐ I have **served** (complete service section below) a copy of
this judgment/order and the *Notice of Proposed Judgment/Order*
to all parties entitled to service. **And:**
 - a. ☐ No objection has been served on me.
 - b. ☐ I received objections that I could not resolve with a
party despite reasonable efforts to do so. I have filed with the court
a copy of the objections I received and indicated which objections
remain unresolved
 - c. ☐ After conferring about objections, the other party
agreed to independently file any remaining objection.

1 4. ☐ Service is not required pursuant to subsection (3) of UTCR
2 5.100, or by statute, rule, or otherwise.

3 5. ☐ This is a proposed judgment that includes an award of
4 punitive damages and notice has been served on the Director of the
5 Crime Victims' Assistance Section as required by subsection (5)

6 6. ☐ Other

7 **Certificate of Service under UTCR 5.100 (if applicable)**

8 I certify that on (date) _____;

9 a. ☐ I placed a true and complete copy of this proposed
10 Judgment/Order in the United State mail to (name)
11 _____ at (address) _____

12 b. ☐ a true and complete copy of this proposed Judgment/Order was
13 served on the other party as reflected by the attached copy of a Proof
14 of Service

15 **Certificate of Document Preparation.** You are required to
16 truthfully complete this certificate regarding the document you are
17 filing with the court. Check all boxes and complete all blanks that
18 apply:

19 ☐ I selected this document for myself and I completed it without
20 paid assistance.

21 ☐ I paid or will pay money to _____ for
22 assistance in preparing this form.

23 Date 4-19-19

24 Neal G. Buchanan
25 Signature

26 NEAL G. BUCHANAN
27 Print Name

28 Attorney for:

☐ Personal Representative ☒ Plaintiff/Petitioner ☐ Defendant/Respondent

435 OAK AVE

KLAMATH FALLS, OR 97601

541-882-6607

Contact Address

City, State, Zip Code

Contact Telephone