

2021-010006

Klamath County, Oregon

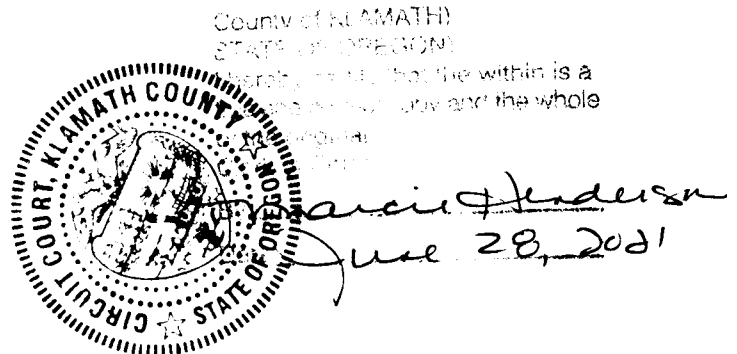


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Fee: \$147.00

21CV08311



IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF KLAMATH

BRENDA HIGH JENSON aka Brenda C.
Jenson, TAYLOR E. HIGH, individually, and
as Trustee of the Taylor E. High
Inheritance Trust, BARRON W. KNOLL, DAYID
THOMAS and CYNTHIA FULLER, husband and wife
TWELVE K'S LAND, LLC, an Oregon Limited
Liability Company, DARRELL CAMPBELL, and
KENNETH and JANICE DARROW, husband and
wife,

Plaintiffs,

vs.

OLENE KBG, LLC., a dissolved Nevada
corporation, OPTIM, INC., a dissolved
Nevada corporation, KLAMATH BASIN GEOPower,
INC., a dissolved Nevada corporation, and
OLENE GAP GEOTHERMAL, LLC, a dissolved
Delaware limited liability company, also
all other person or parties unknown
claiming any right, title, lien or interest
in the property described in the complaint
herein,

Defendants.

Case No. 21CV08311

GENERAL JUDGMENT

QUIETING TITLE

THIS MATTER coming on before the Court with reference to
Plaintiffs' Motion For Default, and good cause appearing
therefore, now, therefore

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs

1 Are granted judgment as against Defendants as follows:

2 1. On Plaintiff's First claim for relief, Plaintiff,
3 Brenda High Jensen is granted judgment cancelling,
4 terminating and annulling the lease as to one or more
5 defendants described in the Complaint in and to the
6 real property described in Exhibit 1 and removing the
7 cloud on title.
8

9 2. On Plaintiff's Second claim for relief, Plaintiff Taylor
10 E. High, individually and as Trustee of the Taylor E. High
11 Inheritance Trust is granted judgment cancelling,
12 terminating and annulling the lease as to one or more
13 defendants described in the Complaint in and to the real
14 property described in Exhibit 2 and removing the cloud on
15 title.
16

17 3. On Plaintiff's Third claim for relief, Plaintiff
18 Barron W. Knoll is granted judgment cancelling,
19 terminating and annulling the lease as to one or more
20 defendants described in the Complaint in and to the
21 real property described in Exhibit 3 and removing the
22 cloud on title.
23

24 4. On Plaintiff's Fourth claim for relief, Plaintiffs
25 David Thomas Fuller and Cynthia Fuller are granted
26 judgment cancelling, terminating and annulling the
27 lease as to one or more defendants described in the
28

1 Complaint in and to the real property described in
2 Exhibit 4 and removing the cloud on title.

3 5. On Plaintiff's Fifth claim of relief, Plaintiff Twelve
4 Ks Land, LLC is granted judgment cancelling,
5 terminating and annulling the lease as to one or more
6 defendants described in the Complaint in and to the
7 real property described in Exhibit 5 and removing the
8 cloud on title.
9


10 6. On Plaintiff's Sixth claim for relief, Plaintiff
11 Darrell L. Campbell is granted judgment cancelling,
12 terminating and annulling the lease as to one or more
13 defendants described above in and to the real
14 property described in Exhibit 6 and removing the
15 cloud on title.
16

17 7. On Plaintiff's Seventh claim of relict: Plaintiffs
18 Kenneth and Janice Darrow are granted judgment
19 cancelling, terminating and annulling the lease as to one
20 or more defendants described in the Complaint in and to
21 the real property described in Exhibit 7 and removing the
22 cloud on title; and
23

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and
25 all parties known or unknown claiming any right, title or
26 interest in the real property subject of this action and those
27 claiming under Defendants are enjoined from asserting any
28

1 estate, title, claim, lien or interest in the said real
2 property or any portion thereof.
3
4

Signed: 6/16/2021 09:18 AM



Alycia Edgeworth Kersey,
Circuit Court Judge

5 Submitted by:
6 NEAL G. BUCHANAN, OSB #771277
7 Attorney for Plaintiffs
8 435 Oak Avenue
9 Klamath Falls, Oregon 97601
10 (541) 882-6607
11
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EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

A tract of land situated in Sections 13 and 24 of Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the point of intersection of the West line of the NE1/4 SW1/4 of said Section 13 and the Center line of South Poc Valley Road; thence South along the West line of the E1/2 SW1/4 of said Section to the North line of said Section 24; thence West along said North line to the Northwest corner of said Section 24; thence South along the West line of Section 24 to the Southwest corner thereof; thence East along said South line to the Southeast corner of the SE1/4 SW1/4 of said Section; thence North to the Northeast corner of the S1/2 SE1/4 SW1/4; thence West to the Northwest corner thereof; thence North along the East line of the W1/2 W1/2 of said Section to a point 20 feet South of the Northeast corner thereof; thence East, parallel with and 20 feet Southerly from the North line of said Section 24, 1,006 feet to a point; thence North on a line parallel with the North South Center line of Section 13 to its intersection with the Center line of South Poc Valley Road; thence Northwesterly along said centerline to the point of beginning.

LESS AND EXCEPTING that portion lying within the right-of-way of South Poc Valley Road.

PARCEL 2:

The E1/2 of the E1/2 of Section 23, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

EXHIBIT 1
PAGE

LEGAL DESCRIPTION
Lease Area

A parcel of land, situated in the S1/2 of Section 14, Township 39 South, Range 10 East, Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Parcel 2 of Land Partition 56-93, EXCEPTING THEREFROM the following described property:

Commencing at a 2" iron pipe marking the southeast corner of Section 14, Township 39 South, Range 10 East, Willamette Meridian; thence along the south line of said Section 14, North 89°02'24" West, 240.31 feet to the Southeast corner of Parcel 2 of Land Partition 56-93 and the Point of Beginning of this description; thence along the south line of said Parcel 2 North 89°02'24" West, 1670.00 feet; thence leaving said south line of Parcel 2 North 11°41'43" East, 1336.80 feet to the centerline of South Poe Valley Road; thence along the centerline of South Poe Valley Road North 89°00'19" East, 222.11 feet to a point of curvature; thence 438.31 feet along the arc of a curve to the left having a radius of 900.00 feet through a central angle of 27°54'13" (The long chord of which bears North 75°03'13" East, 433.99 feet) to a point of tangency, thence North 61°06'06" East, 366.86 feet to an angle point; thence North 59°43'32" East, 508.84 feet to the northeast corner of said Parcel 2, thence leaving the centerline of South Poe Valley Road and along the east line of said Parcel 2 South 00°05'52" West, 1886.64 feet to the said southeast corner of Parcel 2 and the Point of Beginning.

Said parcel of land containing 77 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Marcus D. Cross

OREGON
JULY 6, 2010
MARCUS D. CROSS
55506PL2

EXPIRES: 12/31/15

EXHIBIT 2
PAGE _____

PARCEL 1:

The E1/2 W1/2 W1/2 W1/2 in Section 15, Township 39 South, Range 10 East of the Willamette Meridian, lying South of Highway 140 and the E1/2 W1/2 W1/2 W1/2 in Section 22, Township 39 South, Range 10 East of the Willamette Meridian, lying North of the B Canal, and the W1/2 E1/2 E1/2 SE1/4 in Section 16, Township 39 South, Range 10 East of the Willamette Meridian lying South of Highway 140 known as the Klamath Falls-Lakeview Highway and lying North of the OC&E Railroad right of way, Klamath County, Oregon. EXCEPT rights of ways for highways, railroads & USRS Canal as presently located thereon.

PARCEL 2:

The E1/2 W1/2 E1/2 E1/2 of Section 16, Township 39, Range 10 East of the Willamette Meridian, lying South of Highway 140. EXCEPT that portion of the E1/2 W1/2 SE1/4 SE1/4 lying South of the U.S.R.S. East Branch Canal right of way.

ALSO EXCEPTING THEREFROM all that portion lying within the OC&E Railroad Right of Way.

PARCEL 3:

A strip of land one (1) rod wide off the West side of the NW1/4 NW1/4 and SW1/4 NW1/4 of Section 22, Township 39, Range 10 East of the Willamette Meridian, lying South of the USBR "B" Canal.

PARCEL 4:

That portion of the E1/2 of the W1/2 of the SE1/4 of the SE1/4 of Section 16, Township 39 South, Range 10 East of the Willamette Meridian, lying South of the U.S.R.S. East Branch Canal right of way and the E1/2 of the W1/2 of the NE1/4 of the NE1/4 of Section 21, Township 39 South, Range 10 East of the Willamette Meridian.

PARCEL 5:

The E1/2 NE1/4 NE1/4 in Section 21, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, EXCEPT rights of ways for U.S.R.S. Canals as presently located thereon.

PARCEL 6:

The E1/2 E1/2 E1/2 E1/2 of Section 16, lying South of Highway No. 140. Also that part of the W1/2 E1/2 of the SE1/4 SE1/4 of said Section 16 South of the right of way of the O.C. & E. Railroad, EXCEPT right of way for highways, railroads and U.S.R.S. Canal as presently located thereon, all in Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 7:

The W1/2 W1/2 W1/2 W1/2 in Section 15, Township 39 South, Range 10 East lying South of Highway No. 140, EXCEPT right of way for highways, railroads & U.S.R.S. Canal as presently located thereon, ALSO that part of the W1/2 W1/2 NW1/4 NW1/4 of Section 22, lying North of the U.S.R.S. Canal as presently located thereon, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

EXHIBIT 3
PAGE 1

PARCEL 8:

All of the SE1/4 NE1/4 of Section 21, Township 39 South, Range 10 East of the Willamette Meridian, EXCEPT THEREFROM all that portion conveyed to the USA more particularly described in Deeds recorded in Volume 200, page 333 and in Volume 34 at page 146, Deed Records of Klamath County, Oregon.

PARCEL 9:

That portion of the W1/2 NW1/4 of Section 22, Township 39 South, Range 10 East of the Willamette Meridian, more particularly described as follows:

Beginning at the Northeast corner of the NW1/4 NW1/4 of said Section 22; thence South to the North Bank of a slough 116 rods, more or less; thence Westerly along the Northerly bank of said slough to the section line between said Section 22 and Section 21; thence North along said section line to the South right of way line of the United States East Branch Canal, 114 rods, more or less; thence Easterly along said Southerly right of way line, to the point of beginning; save and except a strip of land one rod wide off the West side of the above described tract.

PARCEL 10:

That portion of the SE1/4 SW1/4 of Section 15, Township 39 South, Range 10 East of the Willamette Meridian, which lies South of the O.C.&E. Railway Company's right of way; and North of the U.S.R.S. Canal; and West of the property deeded to Himmelwright by Deed recorded in Volume 69, page 208, Deed Records of Klamath County, Oregon.

EXHIBIT 3
PAGE 2

Parcel 1 of LAND PARTITION PLAT 9-94 being Parcel 1 of "Minor Land Partition No. 34-84" situated in Sections 13 and 24, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING THEREFROM a tract of land situated in the S1/2 of Section 13, Township 39 South, Range 10 East, Willamette Meridian, Klamath County, Oregon and being a portion of Parcel 1 of Land Partition 9-94, more particularly described as follows:

Beginning at a point on the East line of said Parcel 1, from which the South 1/4 corner of said Section 13 (as established by recorded survey #4731) bears South 66° 34' 37" West 662.15 feet; thence North 01° 48' 42" East (North 01° 52' 15" East) along said East line 1,301.30 feet; thence West 1,075.50 feet, to the Easterly right of way line of the USBR "F" canal; thence Southerly and Easterly, along said right of way line 2,020 feet, more or less, to the center line of South Poe Valley Road and the Southerly line of said Parcel 1; thence Easterly, along said center line, 50 feet more or less to the point of beginning.

EXHIBIT

4

PAGE

The Southeast 1/4 of the Southwest 1/4 of Section 9, Township 39 South, Range 10 East of the Willamette Meridian.

The Northwest 1/4 of the Southwest 1/4 and that portion of the Southwest 1/4 of the Southwest 1/4 of Section 9, Township 39 South, Range 10 East of the Willamette Meridian lying North of the property conveyed to Klamath Falls Creamery, Inc., dated February 26, 1927 recorded February 28, 1927 in Volume 74, page 375, Deed Records of Klamath County, Oregon.

AND

Beginning at a point in the middle of the Klamath Falls-Lakeview State Highway, said point being 285 feet North of the corner to Section 8, 9, 16 and 17, Township 39 South, Range 10 East of the Willamette Meridian, thence South 55°35' East 505 feet along said Highway to line between Sections 9 and 16; thence South 89°45' East 915; thence North 553 feet; thence North 79°47' West 1410.03 feet; thence South 23°5' West 400 feet to the middle of said Highway; thence South 55°35' East 257 feet to the place of beginning, subject to right of public Highway.

AND

Beginning at the 1/4 section corner, which is a stone marked 1/4 on the North line of Section 16, Township 39 South, Range 10 East of the Willamette Meridian; thence West along the North line of said Section 16, 2177 feet to the Northerly right of way line of the Klamath Falls-Lakeview Highway; thence Southeasterly along the Northerly right of way of said Highway, 2567 feet to a point on the East line of the Northwest 1/4 of said Section 16, thence North along the East line of said Northwest 1/4 1360 feet to the place of beginning, being in the Northwest 1/4 of Section 16, Township 39 South, Range 10 East of the Willamette Meridian.

EXCEPTING AND RESERVING from the above described land the following:

Beginning at the West 1/4 corner of said Section 9; thence South 85°56'24" East along the North line of said NW1/4 SW1/4, 208.00 feet; thence South 00°06'00" West 625.40 feet; thence North 89°56'24" West 208.00 feet, more or less to a point on the West line of said NW1/4 SW1/4; thence North 00°06'00" East 625 feet to the point of beginning.

EXCEPTING AND RESERVING from the above described land the following:

A piece of parcel of land situate in Sections 9 and 16, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a 5/8 iron pin from which the center 1/4 corner of Section 9, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon bears North 31°42'05" East 2,816.0 feet; thence North 89°15' West 332.35 feet to a 5/8 iron pin; thence South 2°02'25" West 182.8 feet to a 5/8 iron pin; thence South 34°49'15" West 273.55 feet to a 5/8 iron pin in the Northerly right of way fence of State Highway No. 140 as the same is presently located and constructed; thence South 57°41'55" East along said right of way fence 599.75 feet to a 5/8" iron pin; thence North 1°01'15" West 706.15 feet to the point of beginning.

FURTHER AND EXCEPTING AND RESERVING the tract of land in the NW1/4 of the SW1/4 of Section 9, Township 39 South, Range 10 East of the Willamette Meridian, more particularly described as follows:

Beginning at the Northwest corner of the NE1/4 of the SW1/4 of Section 9, Township 39 South, Range 10 East of the Willamette Meridian and running thence South 470 feet; thence West 470 feet; thence North 470 feet; thence East 470 feet to the point of beginning.

EXHIBIT 5
PAGE _____

Updated Legal Description

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EXHIBIT A Legal Description

PARCEL 1

All that portion of the SW1/4 of Section 15, Township 39 South Range 10 East of the Willamette Meridian, Klamath County, Oregon, lying North of the U S R S Canal, South of the Klamath Falls-Lakeview Highway and East of a line running South 4°10' East from a point on the South line of the Highway to the U S R S Canal, said point being located 138 feet Easterly from the Northeast corner of the Sweeney tract, which Northeast corner is described as bearing South 38°50' East 1076 feet from the Northwest corner of said SW1/4 SE1/4 of Section 15

PARCEL 2

Also, all that portion the SW1/4 SE1/4 of Section 15, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon lying Southeasterly from the right of way of the U S R S Canal

PARCEL 3

Also, Lot 1 of Section 22, Township 39 South, Range 10 East of the Willamette Meridian, saving and excepting the portion contained in right of way of the U S R S Canal

EXHIBIT 6
PAGE

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL A:

Parcel 1 of Land Partition 16-05 situated in the NE1/4 of Section 30, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL B:

The following described real property in Klamath County, Oregon:

A tract of land located in the NE1/4 of Section 30, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin located West a distance of 30.0 feet and South a distance of 1268.0 feet from the section corner common to Sections 19, 20, 29 and 30, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, said point lying on the West boundary of the county road right of way; thence West a distance of 256.24 feet to an iron pin; thence South a distance of 170.0 feet to an iron pin; thence East a distance of 256.24 feet to an iron pin; thence North along the West boundary of the county road right of way a distance of 170.0 feet, more or less, to the point of beginning.

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

BRENDA HIGH JENSON aka Brenda C.
Jenson, TAYLOR E. HIGH, individually,
and as Trustee of the Taylor E. High
Inheritance Trust, BARRON W. KNOLL,
DAYID THOMAS and CYNTHIA FULLER,
husband and wife TWELVE K'S LAND, LLC,
an Oregon Limited Liability Company,
DARRELL CAMPBELL, and KENNETH and
JANICE DARROW, husband and wife,
Plaintiffs,

Case No. 21CV08311

vs.

**CERTIFICATE OF
READINESS
UTCR 5.100**

OLENE KBG, LLC., a dissolved Nevada
corporation, OPTIM, INC., a dissolved
Nevada corporation, KLAMATH BASIN
GEOPOWER, INC., a dissolved Nevada
corporation, and OLENE GAP GEOTHERMAL,
LLC, a dissolved Delaware limited
liability company, also all other
person or parties unknown claiming any
right, title, lien or interest in the
property described in the complaint
herein,

Defendants.

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 judgment 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;

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

- 3 1. ☐ Each party affected by this order or judgment has **stipulated**
4 to the order or judgment as shown by each party's signature on
5 the document being submitted
- 6 2. ☐ Each party affected by this order or judgment has approved
7 the order or judgment, as shown by each party's signature on
8 the document being submitted or by written confirmation of
9 approval sent to me
- 10 3. ☐ I have **served** (complete service section below) a copy of
11 this judgment/order and the *Notice of Proposed Judgment/Order*
12 to all parties entitled to service. **And:**
- 13 a. ☐ No objection has been served on me.
- 14 b. ☐ I received objections that I could not resolve with a
15 party despite reasonable efforts to do so. I have filed with the court
16 a copy of the objections I received and indicated which objections
17 remain unresolved
- 18 c. ☐ After conferring about objections, the other party
19 agreed to independently file any remaining objection.
- 20 4. ☐ Service is not required pursuant to subsection (3) of UTCR
21 5.100, or by statute, rule, or otherwise.
- 22 5. ☐ This is a proposed judgment that includes an award of
23 punitive damages and notice has been served on the Director of the
24 Crime Victims' Assistance Section as required by subsection (5)
- 25 6. ☐ Other

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

27 I certify that on (date) _____;

- 28 a. ☐ I placed a true and complete copy of this proposed
29 Judgment/Order in the United States mail to (name) _____ at
30 (address) _____
- 31 b. ☐ a true and complete copy of this proposed Judgment/Order was
32 served on the other party as reflected by the attached copy of a Proof
33 of Service

34 **Certificate of Document Preparation.** You are required to
35 truthfully complete this certificate regarding the document you are
36 filing with the court. Check all boxes and complete all blanks that
37 apply:

38 ☐ I selected this document for myself and I completed it without
39 paid assistance.

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

42 Date: 6-10-21

43 Neal G. Buchanan

44 ☒ Plaintiff/Petitioner ☐ Defendant/Respondent, Signature Print Name

45 Neal G. Buchanan,
46 Attorney At Law
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51 buchananneal@gmail.com
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53 435 OAK AVENUE KLAMATH FALLS, OR 97601 541-882-6607
54 Contact Address City, State, Zip Code Contact Telephone