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Trial Division, Dept. of Justice  
Salem, Oregon

CAMERON F. WOGAN  
Circuit Judge

**Circuit Court of the State of Oregon**

for KLAMATH COUNTY  
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September 7, 2006

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Darsee Staley  
Assistant Attorney General  
Department of Justice  
1162 Court Street NE  
Salem, Oregon 97301

Re: Fairclo v. State of Oregon  
Case No. 06-1934CV

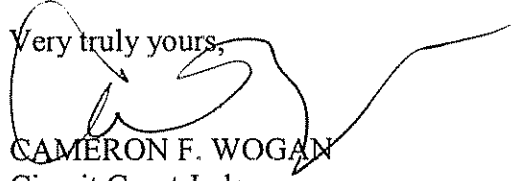
Dear Counsel:

The issue is whether a person holding a vendor's interest in a land sale contract qualifies as an "owner" for the purposes of ORS 197.352, otherwise known as Measure 37. ORS 197.352(11)(C) provides that an "owner" is "the present owner of the property, or any interest therein". I examine the "context of the statutory provision at issue, which includes other provisions of the same statute and other related statutes". PGE v. Bureau of Labor and Industries, 317 Or. 606, 610 (1993). With that context, it simply does not make sense that a person holding a vendor's interest in a land sale contract is an owner for the purposes of this law.

Accordingly, the petitioner's motion for summary judgment is denied. I have set this matter for an attorney conference for Monday, September 25<sup>th</sup> at 9:00 a.m. to discuss the future of this proceeding.

Ms. Staley should submit an order.

Very truly yours,

  
CAMERON F. WOGAN  
Circuit Court Judge

CFW/bad