

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

IVAN JORDAN RUSSELL, )  
Plaintiff )  
vs. )  
HELEN ROBERTA RUSSELL, )  
Defendant )

No. 67-811-E

D E C R E E

Now at this time this cause coming on regularly to be heard and it appearing to the Court from the records and files of this cause that the default of the defendant has been duly entered herein and the District Attorney for Jackson County, Oregon was duly served with certified copies of summons and complaint and has filed herein a waiver of time and the right to appear herein and has consented to the entry of a decree as prayed for in plaintiff's complaint;

The testimony of the plaintiff after being first duly sworn on oath having been heard by the Court at a hearing on the 6th day of November, 1967 and further testimony of Janet Wing having been heard by the Court at a hearing on the said 6th day of November, 1967 and the defendant appearing not and the plaintiff appearing in person and by his attorney Donald K. Denman, and the Court having heard the evidence given by the plaintiff and reviewed the records and files of this cause and now being fully advised in the premises, hereby finds and determines as follows:

That plaintiff and defendant were duly and legally married in Stockton, California on March 11, 1931;

That plaintiff and defendant have both been residents of the state of Oregon for a period in excess of one year immediately prior to the commencement of this suit and such residence has been and is actual and continuous;

That there is no other domestic relations suit involving the marriage of the parties hereto pending in any other court in this or any other state;

That plaintiff is 69 years of age, his social security number is 543-10-0058 and he resides at 1108 Hanks, Klamath Falls, Oregon; that



1 defendant is 52 years of age, her social security number is unknown and she  
 2 is presently confined at the Oregon State Hospital in Salem, Oregon, having  
 3 been committed to the said Oregon State Hospital by order of the Multnomah  
 4 County Circuit Court under the Court's order of commitment No. 19677, a  
 5 certified copy of the Order of Adjudication of Mental Illness and Order of  
 6 Commitment, having been received into evidence marked as Exhibit 1;

7 That there has been further received into evidence, marked as  
 8 Exhibit 2, a letter from Wesley Weissert, M. D. a physician licensed by the  
 9 State Board of Medical Examiners of the State of Oregon, directed to Donald  
 10 K. Denman, the content of such letter stating that the mental illness of the  
 11 defendant has been continuous for at least two years prior to the commencement  
 12 of this suit and said letter further stating that the said defendant is totally  
 13 disabled and that the mental illness is incurable; and that there has further  
 14 been received into evidence as plaintiff's Exhibit 3, a certain letter dated  
 15 October 23, 1967, from Frances P. Sessions, M. D. a physician licensed by the  
 16 State Board of Medical Examiners of the State of Oregon, stating that the said  
 17 mental illness of the defendant has been continuous for at least two years prior  
 18 to the commencement of this suit and that such mental illness is believed to  
 19 be incurable, said letter being directed to Donald K. Denman; and that based

20 upon the evidence presented on behalf of the plaintiff as to the mental illness  
 21 of the defendant, the Court hereby finds and determines that the defendant is  
 22 afflicted with permanent mental illness and that such mental illness has been  
 23 continuous for in excess of two years prior to the commencement of this suit  
 24 and that said mental illness is incurable;

25 That on account of said marriage there have been three children  
 26 born to plaintiff and defendant, namely Nancy Lamb, Sharon Russell and Janet  
 27 Wing, but that since all of said children are over the age of 21 years, they would  
 28 not be subject to the jurisdiction of this Court;

29 That it would appear from the testimony of plaintiff and from the  
 30 testimony of Janet Wing that plaintiff acquired certain real property located  
 31 in Klamath County, Oregon, with his own exclusive funds subsequent to the time  
 32 that the said defendant was adjudicated mentally ill and that the said plaintiff



has taken title to such real property in his sole name and that it would appear equitable and proper that plaintiff be awarded such real property free and clear of any right, title, claim or encumbrance of the defendant, said real property being more particularly described as follows:

Lots 1 and 2 Block 8, Buena Vista Addition to the City of Klamath Falls, Klamath County, Oregon, according to the duly recorded plat now of record.

and that there are no other property rights to be resolved between plaintiff and defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. That the bonds of matrimony heretofore existing between plaintiff and defendant are declared void and dissolved and set aside as of the 6th day of February, 1968.

2. As of the date hereof this decree shall and hereby does revoke any and all Wills heretofore made by either of the parties hereto, except such will or wills especially providing otherwise.

3. In case either party dies prior to the termination date of this marriage as immediately above set forth, in Paragraph 1, this decree shall be deemed to have entirely terminated the marital relationship immediately prior to such death.

4. The marriage relationship of the parties is terminated in all respects as of the date hereinabove set forth in Paragraph 1, unless an appeal be taken, and if an appeal is taken, when the suit is determined on appeal whichever is later, without any further action by either party.

5. That plaintiff be and hereby is awarded as his sole and separate property, the real property which he has acquired in his sole name and exclusively with his own funds, free and clear of any right, title, claim, interest or estate of the defendant, the said property being described as follows:

Lots 1 and 2, Block 8, Buena Vista Addition to the City of Klamath Falls, Klamath County, Oregon, according to the duly recorded plat now of record.

Dated this 6 day of November, 1967.

James M. Main  
Circuit Judge