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VOL. 70 PAGE 7957

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

LURA A. WALDNES,

Plaintiff,

vs.

BEN WALDNES,

Defendant.

No. 7189

ORDER SETTING ASIDE DECREE OF
OCTOBER 25, 1968

The above entitled matter coming on before the Court upon the Motion of defendant Ben Waldness filed herein on November 6, 1968, to set aside that certain Decree entered herein on October 25, 1968, and to permit the defendant to Answer herein; and the Court having considered the Affidavits of counsel and the parties herein and being of the opinion that the Decree of October 25, 1968, should be immediately set aside on the Court's own Motion and in its discretion for the reasons given in the Court's Memorandum Opinion filed herein this date, and the Court being duly advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the "Decree" entered herein on October 25, 1968, be, and the same is hereby set aside and held for naught until further action of the Court.

Dated and so Ordered this 20th day of November, 1968.

Circuit Judge

9-1-70
CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL.
ZANE GRAY, COUNTY CLERK

By Zane Gray DEPUTY

Order

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

LURA A. WALDNES,

Plaintiff,

vs.

BEN WALDNES,

Defendant.

No. 7189

ORDER ALLOWING MOTION TO VACATE
ORDER OF DEFAULT

The above entitled matter coming on before the Court for hearing upon the Motion of defendant filed herein on November 22, 1968, to set aside and vacate that certain Order of Default entered herein against the defendant Ben Waldness on October 24, 1968, and to allow defendant Ben Waldness to file an Answer herein, and the Court having heard and considered the oral arguments of counsel and having considered all of the Affidavits filed herein and being of the opinion that said Motion should be granted in the discretion of the Court, and the Court being duly advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that that certain Order of Default entered herein on October 24, 1968, against the defendant Ben Waldness for failure to appear herein be, and the same is hereby vacated and set aside.

IT IS FURTHER ORDERED that the Answer and Cross-complaint tendered herein for filing by the defendant Ben Waldness be filed.

IT IS FURTHER ORDERED that plaintiff shall have ten (10) days from the date of this Order in which to Reply or otherwise plead to defendant's Answer and Cross-complaint.

Dated and so Ordered this 29th day of November, 1968.

Charles A. Foster
Circuit Judge

9-1-70
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JANE GRAY, COUNTY CLERK

By *John B. Baldwin* DEPUTY

Order

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

Lura R. Waldness,

Plaintiff,

CASE NO. 7189

vs.

Ben Waldness,

Defendant.

MOTION TO DISMISS SUIT
FOR SEPARATE MAINTENANCE

COMES NOW the plaintiff and moves said entry for an Order
herein dismissing this suit for the reason that the defendant Ben
Waldness died on the 10th day of March, 1969, and his estate is
now being probated in the Probate Division in this Court being
file No. 1875: No decision was rendered on the merits prior to
his death.

No attempt is being made to formally serve this motion
for the reason that said defendant was not represented in this
suit by counsel at the time of his death, the law firm of Conn
& Lynch, Lakeview, Oregon having previously withdrawn.

Robert E. Cooper
Attorney for Plaintiff

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ZANE GRAY, COUNTY CLERK
By *Forrest E. Cooper* DEPUTY

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FORREST E. COOPER
ATTORNEY-AT-LAW
LAKEVIEW, OREGON

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9 vs.
10 Ben Waldness,
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IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LAKE COUNTY

Lura R. Waldness,

Plaintiff

vs.

Ben Waldness,

Defendant.

CASE NO. 7189

ORDER OF DISMISSAL

The Motion of the plaintiff moving for the entry of an Order herein dismissing this suit for the reason that the defendant Ben Waldness died on the 10th day of March, 1969 prior to any adjudication having been made herein upon the merits, and it appearing from the Court's records that the said Ben Waldness died on the 10th day of March, 1969; that he was then and there an inhabitant and resident of Lake County, State of Oregon and that his estate is being currently probated in the Probate Division of this Court being file No. 1875, and the Court being advised in the premises;

It is, therefore, Ordered that this suit be and the same is hereby dismissed.

Dated this 31st day of October, 1969.

Judge

STATE OF OREGON,
County of Klamath } ss.

Filed for record at request of:
Klamath County Title Co.
on this 9th day of September A. D., 1970
at 3:05 o'clock P. M. and duly
recorded in Vol. M-70 of Deeds
Page 7957

WM. D. MILNE, County Clerk

Fee \$6.00

Deputy.

VORREST E. COOPER
ATTORNEY-AT-LAW
LAKEVIEW, OREGON

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CORRECT COPY OF THE ORIGINAL.
ZANE GRAY, COUNTY CLERK

By *Paul Belkum* DEPUTY 46

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Klamath Falls, Oregon

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with interest the
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